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THE

WORKS

OF

WM. ROBERTSON, D.D.

IN EIGHT VOLUMES.

THE SECOND VOLUME.

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MDCCCXXV.

THE

HISTORY OF SCOTLAND.

THE SIXTH BOOK.

THE unexpected blow, by which the regent was cut off, struck the king's party with the utmost consternation. Elizabeth bewailed his death as the most fatal disaster which could have befallen her kingdom; and was inconsolable to a degree that little suited her dignity. Mary's adherents exulted, as if now her restoration were not only certain, but near at hand. The infamy of the crime naturally fell on those who expressed such indecent joy at the commission of it; and, as the assassin made his escape on a horse which belonged to lord Claud Hamilton, and fled directly to Hamilton, where he was received in triumph, it was concluded that the regent had fallen a sacrifice to the resentment of the queen's party, rather than to the revenge of a private man. On the day after the murder, Scott of Buccleugh, and Ker of Ferniherst, both zealous abetters of the queen's cause, entered England in an hostile manner, and plundered and burnt the country, the inhabitants of which expected no such outrage. If the regent had been alive, they would scarce have ventured on such an irregular incursion, nor could it well have happened so soon after his death, unless they had been privy to the crime. 1570. Disorders occasioned by the regent's death.

This was not the only irregularity to which the anarchy that followed the regent's death gave occasion. During such general confusion, men hoped for universal impunity, and broke out into excesses of

1570. every kind. As it was impossible to restrain these without a settled form of government, a convention of the nobles was held, in order to deliberate concerning the election of a regent. The queen's adherents refused to be present at the meeting, and protested against its proceedings. The king's own party was irresolute, and divided in opinion. Maitland, whom Kirkaldy had set at liberty, and who obtained from the nobles, then assembled, a declaration acquitting him of the crime which had been laid to his charge, endeavoured to bring about a coalition of the two parties, by proposing to admit the queen to the joint administration of government with her son. Elizabeth, adhering to her ancient system with regard to Scottish affairs, laboured, notwithstanding the solicitations of Mary's friends [a], to multiply, and to perpetuate the factions, which tore in pieces the kingdom. Randolph, whom she despatched into Scotland, on the first news of the regent's death, and who was her usual agent for such services, found all parties so exasperated by mutual injuries, and so full of irreconcilable rancour, that it cost him little trouble to inflame their animosity. The convention broke up without coming to any agreement; and a new meeting, to which the nobles of all parties were invited, was appointed on the first of May [b].

Steps taken towards electing another regent. Feb. 12.

A coalition of parties attempted in vain.

Meantime, Maitland and Kirkaldy, who still continued to acknowledge the king's authority, were at the utmost pains to restore some degree of harmony among their countrymen. They procured, for this purpose, an amicable conference among the leaders of the two factions. But while the one demanded the restoration of the queen, as the only thing which could reestablish the public tranquillity; while the other esteemed the king's authority to be so sacred, that it was, on no account, to be called in question or im-

[a] See Appendix, No. XXXIV.

[b] Crawf. Mem. 131. Calderw. ii. 157.

paired; and neither of them would recede in the least point from their opinions, they separated without any prospect of concord. Both were rendered more averse from reconcilement, by the hope of foreign aid. An envoy arrived from France with promises of powerful succour to the queen's adherents; and, as the civil wars in that kingdom seemed to be on the point of terminating in peace, it was expected that Charles would soon be at liberty to fulfil what he promised. On the other hand, the earl of Sussex was assembling a powerful army on the borders, and its operations could not fail of adding spirit and strength to the king's party[c]. 1570.

Though the attempt towards a coalition of the factions proved ineffectual, it contributed somewhat to moderate or suspend their rage; but they soon began to act with their usual violence. Morton, the most vigilant and able leader on the king's side, solicited Elizabeth to interpose, without delay, for the safety of a party so devoted to her interest, and which stood so much in need of her assistance. The chiefs of the queen's faction, assembling at Linlithgow, marched thence to Edinburgh; and Kirkaldy, who was both governor of the castle and provost of the town, prevailed on the citizens, though with some difficulty, to admit them within the gates. Together with Kirkaldy, the earl of Athole, and Maitland, acceded almost openly to their party; and the duke and lord Herries, having recovered liberty by Kirkaldy's favour, resumed the places which they had formerly held in their councils. Encouraged by the acquisition of persons so illustrious by their birth, or so eminent for their abilities, they published a proclamation, declaring their intention to support the queen's authority, and seemed resolved not to leave the city before the meeting of the approaching convention, in which, by their numbers

Queen's party in possession of Edinburgh.

April 10.

[c] Crawf. Mem. 134.

1570. and influence, they did not doubt of securing a majority of voices on their side [d].

Endeavour to involve the nation in a war with England.

At the same time they had formed a design of kindling war between the two kingdoms. If they could engage them in hostilities, and revive their ancient emulation and antipathy, they hoped, not only to dissolve a confederacy of great advantage to the king's cause, but to reconcile their countrymen to the queen, Elizabeth's natural and most dangerous rival. With this view they had, immediately after the murder of the regent, prompted Scott and Ker to commence hostilities, and had since instigated them to continue and extend their depredations. As Elizabeth foresaw, on the one hand, the dangerous consequences of rendering this a national quarrel; and resolved, on the other, not to suffer such an insult on her government to pass with impunity; she issued a proclamation, declaring that she imputed the outrages which had been committed on the borders not to the Scottish nation, but to a few desperate and ill-designing persons; that with the former she was resolved to maintain an inviolable friendship, whereas the duty which she owed to her own subjects obliged her to chastise the licentiousness of the latter [e]. Sussex and Scrope accordingly entered Scotland, the one on the east, the other on the west borders, and laid waste the adjacent countries with fire and sword [f]. Fame magnified the number and progress of their troops; and Mary's adherents, not thinking themselves safe in Edinburgh, the inhabitants whereof were ill affected to their cause, retired to Lin-

April 28. lithgow. There, by a public proclamation, they asserted the queen's authority, and forbade giving obedience to any but the duke, or the earls of Argyll and Huntly, whom she had constituted her lieutenants in the kingdom.

[d] Crawf. Mem. 137. Cald. ii. 176.
[e] Calderw. ii. 181.
[f] Cabbala, 174.

1570.

The nobles who continued faithful to the king, though considerably weakened by the defection of so many of their friends, assembled at Edinburgh on the day appointed. They issued a counter-proclamation, declaring such as appeared for the queen enemies of their country; and charging them with the murder both of the late king and of the regent. They could not, however, presume so much on their own strength as to venture either to elect a regent, or to take the field against the queen's party; but the assistance which they received from Elizabeth enabled them to do both. By her order sir William Drury marched into Scotland, with a thousand foot and three hundred horse; the king's adherents joined him with a considerable body of troops; and advancing towards Glasgow, where the adverse party had already begun hostilities by attacking the castle, they forced them to retire, plundered the neighbouring country, which belonged to the Hamiltons, and, after seizing some of their castles, and razing others, returned to Edinburgh.

King's party enter Edinburgh, May 1.

Under Drury's protection, the earl of Lennox returned into Scotland. It was natural to commit the government of the kingdom to him during the minority of his grandson. His illustrious birth, and alliance with the royal family of England, as well as of Scotland, rendered him worthy of that honour. His resentment against Mary being implacable, and his estate lying in England, and his family residing there, Elizabeth considered him as a man, who, both from inclination and from interest, would act in concert with her, and ardently wished that he might succeed Murray in the office of regent. But, on many accounts, she did not think it prudent to discover her own sentiments, or to favour his pretensions too openly. The civil wars in France, which had been excited partly by real and partly by pretended zeal for religion, and carried on with a fierceness that did it real dishonour, appeared now to be on the point of coming to an issue; and,

Motives of Elizabeth's conduct with regard to them.

1570. after shedding the best blood, and wasting the richest provinces in the kingdom, both parties desired peace with an ardour that facilitated the negotiations which were carrying on for that purpose. Charles the ninth was known to be a passionate admirer of Mary's beauty. Nor could he, in honour, suffer a queen of France, and the most ancient ally of his crown, to languish in her present cruel situation, without attempting to procure her relief. He had hitherto been obliged to satisfy himself with remonstrating, by his ambassadors, against the indignity with which she had been treated. But if he were once at full liberty to pursue his inclinations, Elizabeth would have every thing to dread from the impetuosity of his temper and the power of his arms. It, therefore, became necessary for her to act with some reserve, and not to appear avowedly to countenance the choice of a regent, in contempt of Mary's authority. The jealousy and prejudices of the Scots required no less management. Had she openly supported Lennox's claim; had she recommended him to the convention, as the candidate of whom she approved; this might have roused the independent spirit of the nobles, and by too plain a discovery of her intention she might have defeated its success. For these reasons she hesitated long, and returned ambiguous answers to all the messages which she received from the king's party. A more explicit declaration of her sentiments was at last obtained, and an event of an extraordinary nature seems to have been the occasion of it. Pope Pius the fifth, having issued a bull, whereby he excommunicated Elizabeth, deprived her of her kingdom, and absolved her subjects from their oath of allegiance, Felton, an Englishman, had the boldness to affix it on the gates of the bishop of London's palace. In former ages, a pope, moved by his own ambition, or pride, or bigotry, denounced this fatal sentence against the most powerful monarchs; but as the authority of the court of Rome was now less regarded, its proceedings were

more cautious; and it was only when they were roused by some powerful prince, that the thunders of the church were ever heard. Elizabeth, therefore, imputed this step, which the pope had taken, to a combination of the Roman catholic princes against her, and suspected that some plot was formed in favour of the Scottish queen. In that event, she knew that the safety of her own kingdom depended on preserving her influence in Scotland; and in order to strengthen this, she renewed her promises of protecting the king's adherents, encouraged them to proceed to the election of a regent, and even ventured to point out the earl of Lennox, as the person who had the best title. That honour was accordingly conferred upon him, in a convention of the whole party, held on the twelfth of July[g]. 1570.

Lennox elected regent.

The regent's first care was, to prevent the meeting of the parliament, which the queen's party had summoned to convene at Linlithgow. Having effected that, he marched against the earl of Huntly, Mary's lieutenant in the north, and forced the garrison which he had placed in Brechin to surrender at discretion. Soon after, he made himself master of some other castles. Emboldened by this successful beginning of his administration, as well as by the appearance of a considerable army, with which the earl of Sussex hovered on the borders, he deprived Maitland of his office of secretary, and proclaimed him, the duke, Huntly, and other leaders of the queen's party, traitors and enemies of their country[h].

Mary's adherents negotiate with Spain.

In this desperate situation of their affairs, the queen's adherents had recourse to the king of Spain[i], with whom Mary had held a close correspondence ever since her confinement in England. They prevailed on the duke of Alva to send two of his officers to take a

[g] Spotsw. 240. Cald. ii. 186. See Appendix, No. XXXV.
[h] Crawf. Mem. 159. Cald. ii. 198.
[i] See Appendix, No. XXXVI.

1570. view of the country, and to examine its coasts and harbours; and obtained from them a small supply of money and arms, which were sent to the earl of Huntly[k]. But this aid, so disproportionate to their exigencies, would have availed them little. They were indebted for their safety to a treaty, which Elizabeth was carrying on, under colour of restoring the captive queen to her throne. The first steps in this negotiation had been taken in the month of May; but hitherto little progress was made in it. The peace concluded between the Roman catholics and hugonots in France, and her apprehensions that Charles would interpose with vigour in behalf of his sister-in-law, quickened Elizabeth's motions. She affected to treat her prisoner with more indulgence, she listened more graciously to the solicitations of foreign ambassadors in her favour, and seemed fully determined to replace her on the throne of her ancestors. As a proof of her sincerity, she laboured to procure a cessation of arms between the two contending factions in Scotland. Lennox, elated with the good fortune which had hitherto attended his administration, and flattering himself with an easy triumph over enemies whose estates were wasted, and their forces dispirited, refused for some time to come into this measure. It was not safe for him, however, to dispute the will of his protectress. A cessation of hostilities during two months, to commence on the third of September, was agreed upon; and, being renewed from time to time, it continued till the first of April next year[l].

Elizabeth proposes a treaty of accommodation between Mary and her subjects.

Soon after, Elizabeth despatched Cecil and sir Walter Mildmay to the queen of Scots. The dignity of these ambassadors, the former her prime minister, the latter chancellor of the exchequer, and one of her ablest counsellors, convinced all parties that the negotiation was serious, and the hour of Mary's liberty was

[k] Anders. iii. 122. Crawf. Mem. 153. [l] Spotsw. 243.

now approaching. The propositions which they made to her were advantageous to Elizabeth, but such as a prince in Mary's situation had reason to expect. The ratification of the treaty of Edinburgh; the renouncing any pretensions to the English crown, during Elizabeth's own life, or that of her posterity; the adhering to the alliance between the two kingdoms; the pardoning her subjects who had taken arms against her; and her promising to hold no correspondence, and to countenance no enterprise, that might disturb Elizabeth's government; were among the chief articles. By way of security for the accomplishment of these, they demanded, that some persons of rank should be given as hostages, that the prince, her son, should reside in England, and that a few castles on the border should be put into Elizabeth's hands. To some of these propositions Mary consented; some she endeavoured to mitigate; and others she attempted to evade. In the mean time, she transmitted copies of them to the pope, to the kings of France and Spain, and to the duke of Alva. She insinuated, that without some timely and vigorous interposition in her behalf, she would be obliged to accept of these hard conditions, and to purchase liberty at any price. But the pope was a distant and feeble ally, and by his great efforts at this time against the Turks, his treasury was entirely exhausted. Charles had already begun to meditate that conspiracy against the hugonots, which marks his reign with such infamy; and it required much leisure, and perfect tranquillity, to bring that execrable plan to maturity. Philip was employed in fitting out that fleet which acquired so much renown to the christian arms; by the victory over the infidels at Lepanto; the Moors in Spain threatened an insurrection; and his subjects in the Netherlands, provoked by much oppression and many indignities, were breaking out into open rebellion. All of them, for these different reasons, advised Mary, without depending on their aid,

1570.

1570. to conclude the treaty on the best terms she could procure [m].

Elizabeth's artifices in the conduct of it.

Mary accordingly consented to many of Elizabeth's demands, and discovered a facility of disposition which promised still further concessions. But no concession she could have made would have satisfied Elizabeth, who, in spite of her repeated professions of sincerity to foreign ambassadors, and notwithstanding the solemnity with which she carried on the treaty, had no other object in it than to amuse Mary's allies, and to gain time [n]. After having so long treated a queen, who fled to her for refuge, in so ungenerous a manner, she could not now dismiss her with safety. Under all the disadvantages of a rigorous confinement, Mary had found means to excite commotions in England, which were extremely formidable. What desperate effects of her just resentment might be expected, if she were set at liberty, and recovered her former power? What engagements could bind her not to revenge the wrongs which she had suffered, nor to take advantage of the favourable conjunctures that might present themselves? Was it possible for her to give such security for her behaviour, in times to come, as might remove all suspicions and fears? And was there not good cause to conclude, that no future benefits could ever obliterate the memory of past injuries? It was thus Elizabeth reasoned; though she continued to act as if her views had been entirely different. She appointed seven of her privy counsellors to be commissioners for settling the articles of the treaty; and, as Mary had already named the bishops of Ross and Galloway, and lord Livingston, for her ambassadors, she required the regent to empower proper persons to appear in behalf
1571. of the king. The earl of Morton, Pitcairn, abbot of Dunfermling, and sir James Macgill, were the persons chosen by the regent. They prepared for their jour-

[m] Anders. vol. iii. 119, 120. [n] Digges, Compl. Amb. 78.

ney as slowly as Elizabeth herself could have wished. 1571.
At length they arrived at London, and met the com- Feb. 19.
missioners of the two queens. Mary's ambassadors discovered the strongest inclination to comply with every thing that would remove the obstacles which stood in the way of their mistress's liberty. But when Morton and his associates were called upon to vindicate their conduct, and to explain the sentiments of their party, they began, in justification of their treatment of the queen, to advance such maxims concerning the limited powers of princes, and the natural right of subjects to resist and to control them, as were extremely shocking to Elizabeth, whose notions of regal prerogative, as has been formerly observed, were very exalted. With regard to the authority which the king now possessed, they declared they neither had, nor could possibly receive, instructions to consent to any treaty that tended to subvert, or even to impair it in the least degree[o]. Nothing could be more trifling and ridiculous than such a reply from the commissioners of the king of Scots to the queen of England. His party depended absolutely on her protection; it was by persons devoted to her he had been seated on the throne, and to her power he owed the continuance of his reign. With the utmost ease she could have brought them to hold very different language; and whatever conditions she might have thought fit to subscribe, they would have had no other choice but to submit. This declaration, however, she affected to consider as an insuperable difficulty; and finding that there was no reason to dread any danger from the French king, who had not discovered that eagerness in support of Mary, which was expected; the reply made by Morton furnished her with a pretence for putting a stop to the negotiation, until the regent should send ambassadors with March 24.
more ample powers. Thus, after being amused for ten

It proves fruitless.

[o] Cald. ii. 234. Digges, 51. Haynes, 523, 524.

1571. months with the hopes of liberty, the unhappy queen of Scots remained under stricter custody than ever, and without any prospect of escaping from it; while those subjects who still adhered to her were exposed without ally or protector, to the rage of enemies, whom their success in this negotiation rendered still more insolent[p].

Dunbarton castle surprised by the regent.

On the day after the expiration of the truce, which had been observed with little exactness on either side, captain Crawford of Jordan-hill, a gallant and enterprising officer, performed a service of great importance to the regent, by surprising the castle of Dunbarton. This was the only fortified place in the kingdom, of which the queen had kept possession ever since the commencement of the civil wars. Its situation, on the top of an high and almost inaccessible rock, which rises in the middle of a plain, rendered it extremely strong, and, in the opinion of that age, impregnable: as it commanded the river Clyde, it was of great consequence, and was deemed the most proper place in the kingdom for landing any foreign troops that might come to Mary's aid. The strength of the place rendered lord Fleming, the governor, more secure than he ought to have been, considering its importance. A soldier who had served in the garrison, and had been disgusted by some ill usage, proposed the scheme to the regent, endeavoured to demonstrate that it was practicable, and offered himself to go the foremost man on the enterprise. It was thought prudent to risk any danger for so great a prize. Scaling ladders, and whatever else might be necessary, were prepared with the utmost secrecy and despatch. All the avenues to the castle were seized, that no intelligence of the design might reach the governor. Towards evening Crawford marched from Glasgow with a small but determined band. By midnight they arrived at the bottom of the rock. The moon was set, and the sky, which had

[p] Anders. iii. 91, etc.

hitherto been extremely clear, was covered with a thick fog. It was where the rock was highest that the assailants made their attempt, because in that place there were few sentinels, and they hoped to find them least alert. The first ladder was scarcely fixed, when the weight and eagerness of those who mounted brought it to the ground. None of the assailants were hurt by the fall, and none of the garrison alarmed at the noise. Their guide and Crawford scrambled up the rock, and fastened the ladder to the roots of a tree which grew in a cleft. This place they all reached with the utmost difficulty, but were still at a great distance from the foot of the wall. Their ladder was made fast a second time; but in the middle of the ascent they met with an unforeseen difficulty. One of their companions was seized with some sudden fit, and clung, seemingly without life, to the ladder. All were at a stand. It was impossible to pass him. To tumble him headlong was cruel; and might occasion a discovery. But Crawford's presence of mind did not forsake him. He ordered the soldier to be bound fast to the ladder, that he might not fall when the fit was over; and turning the other side of the ladder, they mounted with ease over his belly. Day now began to break, and there still remained a high wall to scale; but after surmounting so many great difficulties, this was soon accomplished. A sentry observed the first man who appeared on the parapet, and had just time to give the alarm, before he was knocked on the head. The officers and soldiers of the garrison ran out naked, unarmed, and more solicitous about their own safety, than capable of making resistance. The assailants rushed forwards, with repeated shouts and with the utmost fury; took possession of the magazine; seized the cannon, and turned them against their enemies. Lord Fleming got into a small boat, and fled all alone into Argyllshire. Crawford, in reward of his valour and good conduct, remained master of the castle; and, as he did not lose

1571.

1571. a single man in the enterprise, he enjoyed his success with unmixed pleasure. Lady Fleming, Verac, the French envoy, and Hamilton, archbishop of St. Andrew's, were the prisoners of greatest distinction[q].

Archbishop of St. Andrew's put to death by him.

Verac's character protected him from the usage which he merited by his activity in stirring up enemies against the king. The regent treated the lady with great politeness and humanity. But a very different fate awaited the archbishop; he was carried under a strong guard to Stirling; and, as he had formerly been attainted by act of parliament, he was, without any formal trial, condemned to be hanged; and on the fourth day after he was taken, the sentence was executed. An attempt was made to convict him of being accessory to the murder both of the king and regent, but these accusations were supported by no proof. Our historians observe, that he was the first bishop in Scotland who died by the hands of the executioner. The high offices he had enjoyed, both in church and state, ought to have exempted him from a punishment inflicted only on the lowest criminals. But his zeal for the queen, his abilities, and his profession, rendered him odious and formidable to the king's adherents. Lennox hated him, as the person by whose counsels the reputation and power of the house of Hamilton were supported. Party rage and personal enmity dictated that indecent sentence, for which some colour was sought by imputing to him such odious crimes[r].

Kirkaldy defends the castle of Edinburgh in the queen's name.

The loss of Dunbarton, and the severe treatment of the archbishop, perplexed no less than they enraged the queen's party; and hostilities were renewed with all the fierceness which disappointment and indignation can inspire. Kirkaldy, who, during the truce, had taken care to increase the number of his garrison, and to provide every thing necessary for his defence, issued a proclamation declaring Lennox's authority to be un-

[q] Buchan. 394. [r] Spotswood, 252.

lawful and usurped; commanded all who favoured his cause to leave the town within six hours; seized the arms belonging to the citizens; planted a battery on the steeple of St. Giles's, repaired the walls, and fortified the gates of the city; and, though the affections of the inhabitants leaned a different way, held out the metropolis against the regent. The duke, Huntly, Home, Herries, and other chiefs of that faction, repaired to Edinburgh with their followers; and, having received a small sum of money and some ammunition from France, formed no contemptible army within the walls. On the other side, Morton seized Leith and fortified it; and the regent joined him with a considerable body of men. While the armies lay so near each other, daily skirmishes happened, and with various success. The queen's party was not strong enough to take the field against the regent, nor was his superiority so great as to undertake the siege of the castle or of the town[s]. 1571.

Both parties hold parliaments. May 14.

Some time before Edinburgh fell into the hands of his enemies, the regent had summoned a parliament to meet in that place. In order to prevent any objection against the lawfulness of the meeting, the members obeyed the proclamation as exactly as possible, and assembled in a house at the head of the Cannongate, which, though without the walls, lies within the liberties of the city. Kirkaldy exerted himself to the utmost to interrupt their meeting; but they were so strongly guarded, that all efforts were vain. They passed an act attainting Maitland and a few others, and then adjourned to the twenty-eighth of August[t].

The other party, in order that their proceedings might be countenanced by the same show of legal authority, held a meeting of parliament soon after. There was produced in this assembly a declaration by the queen of the invalidity of that deed whereby she

[s] Cald. ii. 233, etc. [t] Crawf. Mem. 177.

1571. had resigned the crown, and consented to the coronation of her son. Conformable to this declaration, an act was passed pronouncing the resignation to have been extorted by fear; to be null in itself, and in all its consequences; and enjoining all good subjects to acknowledge the queen alone to be their lawful sovereign, and to support those who acted in her name. The present establishment of the protestant religion was confirmed by another statute; and, in imitation of the adverse party, a new meeting was appointed on the twenty-sixth of August [u].

Miserable condition of the kingdom.

Meanwhile, all the miseries of civil war desolated the kingdom. Fellow-citizens, friends, brothers took different sides, and ranged themselves under the standards of the contending factions. In every county, and almost in every town and village, 'king's men' and 'queen's men' were names of distinction. Political hatred dissolved all natural ties, and extinguished the reciprocal good-will and confidence which hold mankind together in society. Religious zeal mingled itself with these civil distinctions, and contributed not a little to heighten and to inflame them.

State of factions.

The factions which divided the kingdom were, in appearance, only two; but in both these there were persons with views and principles so different from each other, that they ought to be distinguished. With some, considerations of religion were predominant, and they either adhered to the queen, because they hoped by her means to reestablish popery, or they defended the king's authority, as the best support of the protestant faith. Among these the opposition was violent and irreconcilable. Others were influenced by political motives only, or allured by views of interest: the regent aimed at uniting these, and did not despair of gaining, by gentle arts, many of Mary's adherents to acknowledge the king's authority. Maitland and Kirk-

[u] Crawf. Mem. 177.

aldy had formed the same design of a coalition, but on such terms that the queen might be restored to some share in the government, and the kingdom shake off its dependence upon England. Morton, the ablest, the most ambitious, and the most powerful man of the king's party, held a particular course; and, moving only as he was prompted by the court of England, thwarted every measure that tended towards a reconcilement of the factions; and as he served Elizabeth with much fidelity, he derived both power and credit from her avowed protection. 1571.

The time appointed by both parties for the meeting of their parliaments now approached. Only three peers and two bishops appeared in that which was held in the queen's name at Edinburgh. But, contemptible as their numbers were, they passed an act for attainting upwards of two hundred of the adverse faction. The meeting at Stirling was numerous and splendid. The regent had prevailed on the earls of Argyll, Eglinton, Cassils, and lord Boyd, to acknowledge the king's authority. The three earls were among the most powerful noblemen in the kingdom, and had hitherto been zealous in the queen's cause. Lord Boyd had been one of Mary's commissioners at York and Westminster, and since that time had been admitted into all her most secret councils. But, during that turbulent period, the conduct of individuals, as well as the principles of factions, varied so often, that the sense of honour, a chief preservative of consistence in character, was entirely lost; and, without any regard to decorum, men suddenly abandoned one party, and adopted all the violent passions of the other. The defection, however, of so many persons of distinction not only weakened the queen's party, but added reputation to her adversaries.

After the example of the parliament at Edinburgh, that at Stirling began with framing acts against the opposite faction. But in the midst of all the security, The king's party surprised in Stirling.

1571. which confidence in their own numbers or distance from danger could inspire, they were awakened early
Sept. 3. in the morning of September the third, by the shouts of the enemy in the heart of the town. In a moment the houses of every person of distinction were surrounded, and before they knew what to think of so strange an event, the regent, the earls of Argyll, Morton, Glencairn, Cassils, Eglinton, Montrose, Buchan, the lords Sempil, Cathcart, Ogilvie, were all made prisoners, and mounted behind troopers, who were ready to carry them to Edinburgh. Kirkaldy was the author of this daring enterprise; and if he had not been induced, by the ill-timed solicitude of his friends about his safety, not to hazard his own person in conducting it, that day might have terminated the contest between the two factions, and have restored peace to his country. By his direction four hundred men, under the command of Huntly, lord Claud Hamilton, and Scott of Buccleugh, set out from Edinburgh, and, the better to conceal their design, marched towards the south. But they soon wheeled to the right, and, horses having been provided for the infantry, rode straight to Stirling. By four in the morning they arrived there; not one sentry was posted on the walls, not a single man was awake about the place. They met with no resistance from any person whom they attempted to seize, except Morton. He defending his house with obstinate valour, they were obliged to set it on fire, and he did not surrender till forced out of it by the flames. In performing this, some time was consumed; and the private men, unaccustomed to regular discipline, left their colours, and began to rifle the houses and shops of the citizens. The noise and uproar in the town reached the castle. The earl of Mar sallied out with thirty soldiers, fired briskly upon the enemy, of whom almost none but the officers kept together in a body. The townsmen took arms to assist their governor; a sudden panic struck the assailants; some fled,

some surrendered themselves to their own prisoners; and had not the borderers, who followed Scott, prevented a pursuit, by carrying off all the horses within the place, not a man would have escaped. If the regent had not unfortunately been killed, the loss on the king's side would have been as inconsiderable as the alarm was great. 'Think on the archbishop of St. Andrew's,' was the word among the queen's soldiers; and Lennox fell a sacrifice to his memory. The officer to whom he surrendered, endeavouring to protect him, lost his own life in his defence. He was slain, according to the general opinion, by command of lord Claud Hamilton. Kirkaldy had the glory of concerting this plan with great secrecy and prudence; but Morton's fortunate obstinacy, and the want of discipline among his troops, deprived him of success, the only thing wanting to render this equal to the most applauded military enterprises of the kind[x]. 1571. The regent killed.

As so many of the nobles were assembled, they proceeded without delay to the election of a regent. Argyll, Morton, and Mar, were candidates for the office. Mar was chosen by a majority of voices. Amidst all the fierce dissensions which had prevailed so long in Scotland, he had distinguished himself by his moderation, his humanity, and his disinterestedness. As his power was far inferior to Argyll's, and his abilities not so great as Morton's, he was, for these reasons, less formidable to the other nobles. His merit, too, in having so lately rescued the leaders of the party from imminent destruction, contributed not a little to his preferment. Mar chosen regent, Sept. 6.

While these things were carrying on in Scotland, the transactions in England were no less interesting to Mary, and still more fatal to her cause. The parliament of that kingdom, which met in April, passed an act, by which it was declared to be high treason to Proceedings in England against Mary.

[x] Melv. 226. Crawf. Mem. 204.

1571. claim any right to the crown during the life of the queen; to affirm that the title of any other person was better than hers, or to maintain that the parliament had not power to settle and to limit the order of succession. This remarkable statute was intended not only for the security of their own sovereign, but to curb the restless and intriguing spirit of the Scottish queen and her adherents[y].

Marriage negotiated between Elizabeth and the duke of Anjou.

At this time a treaty of marriage between Elizabeth and the duke of Anjou, the French king's brother, was well advanced. Both courts seemed to desire it with equal ardour, and gave out, with the utmost confidence, that it could not fail of taking place. Neither of them, however, wished it success; and they encouraged it for no other end, but because it served to cover or to promote their particular designs. The whole policy of Catherine of Medicis was bent towards the accomplishment of her detestable project for the destruction of the hugonot chiefs; and by carrying on a negotiation for the marriage of her son with a princess who was justly esteemed the protectress of that party, by yielding some things in point of religion, and by discovering an indifference with regard to others, she hoped to amuse all the protestants in Europe, and to lull asleep the jealousy even of the hugonots themselves. Elizabeth flattered herself with reaping advantages of another kind. During the dependence of the negotiation, the French could not with decency give any open assistance to the Scottish queen; if they conceived any hopes of success in the treaty of marriage, they would of course interest themselves but coldly in her concerns: Mary herself must be dejected at losing an ally, whom she had hitherto reckoned her most powerful protector; and, by interrupting her correspondence with France, one source, at least, of the cabals and intrigues which disturbed the kingdom would be stopped.

[y] Camd. 436.

Both queens succeeded in their schemes. Catherine's artifices imposed upon Elizabeth, and blinded the hugonots. The French discovered the utmost indifference about the interest of the Scottish queen; and Mary, considering that court as already united with her rival, turned for protection with more eagerness than ever towards the king of Spain[z]. Philip, whose dark and thoughtful mind delighted in the mystery of intrigue, had held a secret correspondence with Mary for some time, by means of the bishop of Ross, and had supplied both herself and her adherents in Scotland with small sums of money. Ridolphi, a Florentine gentleman, who resided at London under the character of a banker, and who acted privately as an agent for the pope, was the person whom the bishop intrusted with this negotiation. Mary thought it necessary likewise to communicate the secret to the duke of Norfolk, whom Elizabeth had lately restored to liberty, upon his solemn promise to have no further intercourse with the queen of Scots. This promise, however, he regarded so little, that he continued to keep a constant correspondence with the captive queen; while she laboured to nourish his ambitious hopes, and to strengthen his amorous attachment by letters written in the fondest caressing strain. Some of these he must have received at the very time when he made that solemn promise of holding no further intercourse with her, in consequence of which Elizabeth restored him to liberty. Mary, still considering him as her future husband, took no step in any matter of moment without his advice. She early communicated to him her negotiations with Ridolphi; and in a long letter, which she wrote to him in ciphers[a], after complaining of the baseness with which the French court had abandoned her interest, she declared her in-

1571.

Norfolk's conspiracy in favour of Mary.

[z] Digges, 144. 148. Camd. 434.

[a] Haynes, 597, 598. Hardw. State Papers, i. 190, etc. Digges's Comp. Ambas. 147.

1571. tention of imploring the assistance of the Spanish monarch, which was now her only resource; and recommended Ridolphi to his confidence, as a person capable both of explaining and advancing the scheme. The duke commanded Hickford, his secretary, to decipher, and then to burn this letter; but, whether he had been already gained by the court, or resolved at that time to betray his master, he disobeyed the latter part of the order, and hid the letter, together with other treasonable papers, under the duke's own bed.

Ridolphi, in a conference with Norfolk, omitted none of those arguments, and spared none of those promises, which are the usual incentives to rebellion. The pope, he told him, had a great sum in readiness to bestow in so good a cause. The duke of Alva had undertaken to land ten thousand men not far from London. The catholics, to a man, would rise in arms. Many of the nobles were ripe for a revolt, and wanted only a leader. Half their nation had turned their eyes towards him, and called on him to revenge the unmerited injuries which he himself had suffered; and to rescue an unfortunate queen, who offered him her hand and her crown, as the reward of his success. Norfolk approved of the design, and, though he refused to give Ridolphi any letter of credit, allowed him to use his name in negotiating with the pope and Alva[b]. The bishop of Ross, who, from the violence of his temper, and impatience to procure relief for his mistress, was apt to run into rash and desperate designs, advised the duke to assemble secretly a few of his followers, and at once to seize Elizabeth's person. But this the duke rejected as a scheme equally wild and hazardous. Meanwhile, the English court had received some imperfect information of the plot, by intercepting one of Ridolphi's agents; and an accident happened, which brought to light all the circumstances of it. The duke had employed

discovered by Elizabeth. August.

[b] Anders. iii. 161.

Hickford to transmit to lord Herries some money, which was to be distributed among Mary's friends in Scotland. A person not in the secret was intrusted with conveying it to the borders; and he, suspecting it from the weight to be gold, whereas he had been told that it was silver, carried it directly to the privy council. The duke, his domestics, and all who were privy, or could be suspected of being privy to the design, were taken into custody. Never did the accomplices in a conspiracy discover less firmness, or servants betray an indulgent master with greater baseness. Every one confessed the whole of what he knew. Hickford gave directions how to find the papers which he had hidden. The duke himself, relying at first on the fidelity of his associates, and believing all dangerous papers to have been destroyed, confidently asserted his own innocence; but when their depositions and the papers themselves were produced, astonished at their treachery, he acknowledged his guilt, and implored the queen's mercy. His offence was too heinous, and too often repeated, to obtain pardon; and Elizabeth thought it necessary to deter her subjects, by his punishment, from holding correspondence with the queen of Scots or her emissaries. Being tried by his peers, he was found guilty of high treason, and, after several delays, suffered death for the crime[c].

1571.

Sept. 7.

The discovery of this conspiracy produced many effects extremely detrimental to Mary's interest. The bishop of Ross, who appeared, by the confession of all concerned, to be the prime mover in every cabal against Elizabeth, was taken into custody, his papers searched, himself committed to the Tower, treated with the utmost rigour, threatened with capital punishment, and, after a long confinement, set at liberty, on condition that he should leave the kingdom. Mary was not only deprived of a servant, equally eminent for his zeal and his abili-

[c] Anders. iii. 149. State Trials, 185.

1571. ties, but was denied from that time the privilege of having an ambassador at the English court. The Spanish ambassador, whom the power and dignity of the prince he represented exempted from such insults as Ross had suffered, was commanded to leave England[d]. As there was now the clearest evidence that Mary, from resentment of the wrongs she had suffered, and impatience of the captivity in which she was held, would not scruple to engage in the most hostile and desperate enterprises against the established government and religion, she began to be regarded as a public enemy, and was kept under a stricter guard than formerly; the number of her domestics was abridged, and no person permitted to see her, but in presence of her keepers[e].

Elizabeth declares openly against the queen's party. Oct. 23.

At the same time, Elizabeth, foreseeing the storm which was gathering on the continent against her kingdom, began to wish that tranquillity were restored in Scotland; and, irritated by Mary's late attempt against her government, she determined to act, without disguise or ambiguity, in favour of the king's party. This resolution she intimated to the leaders of both factions. Mary, she told them, had held such a criminal correspondence with her avowed enemies, and had excited such dangerous conspiracies both against her crown and her life, that she would henceforth consider her as unworthy of protection, and would never consent to restore her to liberty, far less to replace her on her throne. She exhorted them, therefore, to unite in acknowledging the king's authority. She promised to procure, by her mediation, equitable terms for those who had hitherto opposed it. But if they still continued refractory, she threatened to employ her utmost power to compel them to submit[f]. Though this declaration did not produce an immediate effect; though

[d] Digges, 163. [e] Strype, Ann. ii. 50.
[f] See Appendix, No. XXXVII.

hostilities continued in the neighbourhood of Edinburgh; though Huntly's brother, sir Adam Gordon, by his bravery and good conduct, had routed the king's adherents in the north in many encounters; yet, such an explicit discovery of Elizabeth's sentiments contributed not a little to animate one party, and to depress the spirit and hopes of the other[g]. 1571.

As Morton, who commanded the regent's forces, lay at Leith, and Kirkaldy still held out the town and castle of Edinburgh, scarce a day passed without a skirmish; and while both avoided any decisive action, they harassed each other by attacking small parties, beating up quarters, and intercepting convoys. These operations, though little memorable in themselves, kept the passions of both factions in perpetual exercise and agitation, and wrought them up, at last, to a degree of fury, which rendered them regardless not only of the laws of war, but of the principles of humanity. Nor was it in the field alone, and during the heat of combat, that this implacable rage appeared; both parties hanged the prisoners which they took, of whatever rank or quality, without mercy and without trial. Great numbers suffered in this shocking manner; the unhappy victims were led by fifties at a time to execution; and it was not till both sides had smarted severely that they discontinued this barbarous practice, so reproachful to the character of the nation[h]. Meanwhile, those in the town and castle, though they had received a supply of money from the duke of Alva[i], began to suffer for want of provisions. As Morton had destroyed all the mills in the neighbourhood of the city, and had planted small garrisons in all the houses of strength around it, scarcity daily increased. At last all the miseries of famine were felt, and they must have been soon reduced to such extremities, as would have forced

1572. Hostilities carried on between them.

[g] Cald. ii. 289. 294. Strype, ii. 76.
[h] Crawf. Mem. 218. 220.
[i] Cald. ii. 345.

1572. them to capitulate, if the English and French ambassadors had not procured a suspension of hostilities between the two parties[k].

League between England and France.

Though the negotiation for a marriage between Elizabeth and the duke of Anjou had been fruitless, both Charles and she were desirous of concluding a defensive alliance between the two crowns. He considered such a treaty, not only as the best device for blinding the protestants, against whom the conspiracy was now almost ripe for execution; but as a good precaution, likewise, against the dangerous consequences to which that atrocious measure might expose him. Elizabeth, who had hitherto reigned without a single ally, now saw her kingdom so threatened with intestine commotions, or exposed to invasions from abroad, that she was extremely solicitous to secure the assistance of so powerful a neighbour. The difficulties arising from the situation of the Scottish queen were the chief occasions of any delay. Charles demanded some terms of advantage for Mary and her party. Elizabeth refused to listen to any proposition of that kind. Her obstinacy overcame the faint efforts of the French monarch. Mary's name was not so much as mentioned in the treaty; and with regard to Scottish affairs, a short article was inserted, in general and ambiguous terms, to

April 11. this purpose: "That the parties contracting shall make no innovations in Scotland; nor suffer any stranger to enter and to foment the factions there; but it shall be lawful for the queen of England to chastise, by force of arms, those Scots who shall continue to harbour the English rebels now in Scotland[l]." In consequence of this treaty, France and England affected to act in concert with regard to Scotland, and le Croc and sir William Drury appeared there, in the name of their respective sovereigns. By their mediation, a truce for two months was agreed upon, and during that time

[k] Cald. ii. 346.

[l] Digges, 170. 191. Camd. 444.

conferences were to be held between the leaders of the opposite factions, in order to accommodate their differences and restore peace to the kingdom. This truce afforded a seasonable interval of tranquillity to the queen's adherents in the south; but in the north it proved fatal to her interest. Sir Adam Gordon had still maintained his reputation and superiority there. Several parties, under different officers, were sent against him. Some of them he attacked in the field; against others he employed stratagem; and, as his courage and conduct were equal, none of his enterprises failed of success. He made war too with the humanity which became so gallant a man, and gained ground by that, no less than by the terrour of his arms. If he had not been obliged by the truce to suspend his operations, he would in all probability have brought that part of the kingdom to submit entirely to the queen's authority[m]. 1572.

Proceedings in England against Mary.

Notwithstanding Gordon's bravery and success, Mary's interest was on the decline, not only in her own kingdom, but among the English. Nothing could be more offensive to that nation, jealous of foreigners, and terrified at the prospect of the Spanish yoke, than her negotiations with the duke of Alva. The parliament, which met in May, proceeded against her as the most dangerous enemy of the kingdom; and, after a solemn conference between the lords and commons, both houses agreed in bringing in a bill to declare her guilty of high treason, and to deprive her of all right of succession to the crown. This 'great cause,' as it was then called, occupied them during the whole session, and was carried on with much unanimity. Elizabeth, though she applauded their zeal, and approved greatly of the course they were taking, was satisfied with showing Mary what she might expect from the resentment of the nation; but as she did not yet think it time to

[m] Crawf. Mem.

1572. proceed to the most violent extremity against her, she prorogued the parliament[n].

The French neglect her interest.

These severe proceedings of the English parliament were not more mortifying to Mary, than the coldness and neglect of her allies, the French. The duke of Montmorency, indeed, who came over to ratify the league with Elizabeth, made a show of interesting himself in favour of the Scottish queen; but, instead of soliciting for her liberty, or her restoration to her throne, all that he demanded was a slight mitigation of the rigour of her imprisonment. Even this small request he urged with so little warmth or importunity, that no regard was paid to it[o].

The massacre of Paris.

The alliance with France afforded Elizabeth much satisfaction, and she expected from it a great increase of security. She now turned her whole attention towards Scotland, where the animosities of the two factions were still so high, and so many interfering interests to be adjusted, that a general pacification seemed to be at a great distance. But while she laboured to bring them to some agreement, an event happened which filled a great part of Europe with astonishment and with horrour. This was the massacre of Paris; an attempt, to which there is no parallel in the history of mankind, either for the long train of craft and dissimulation with which it was contrived, or for the cruelty and barbarity with which it was carried into execution. By the most solemn promises of safety and of favour, the leaders of the protestants were drawn to court; and, though doomed to destruction, they were received with caresses, loaded with honours, and treated, for seven months, with every possible mark of familiarity and of confidence. In the midst of their security, the warrant for their destruction was issued by their sovereign, on whose word they had relied: and, in obedience to it, their countrymen, their fellow-citi-

August 24.

[n] D'Ewes, Journ. 206, etc.

[o] Jebb, ii. 512.

zens, and companions, imbrued their hands in their blood. Ten thousand protestants, without distinction of age, or sex, or condition, were murdered in Paris alone. The same barbarous orders were sent to other parts of the kingdom, and a like carnage ensued. This deed, which no popish writer, in the present age, mentions without detestation, was at that time applauded in Spain; and at Rome solemn thanksgivings were offered to God for its success. But among the protestants it excited incredible horrour; a striking picture of which is drawn by the French ambassador at the court of England, in his account of his first audience after the massacre. "A gloomy sorrow," says he, "sat on every face; silence, as in the dead of night, reigned through all the chambers of the royal apartment; the ladies and courtiers were ranged on each side, all clad in deep mourning, and, as I passed through them, not one bestowed on me a civil look, or made the least return to my salutes [p]." 1572.

But horrour was not the only passion with which this event inspired the protestants; it filled them with fear. They considered it as the prelude to some greater blow, and believed, not without much probability, that all the popish princes had conspired the destruction of their sect. This opinion was of no small disservice to Mary's affairs in Scotland. Many of her adherents were protestants; and, though they wished her restoration, were not willing, on that account, to sacrifice the faith which they professed. They dreaded her attachment to a religion which allowed its votaries to violate the most solemn engagements, and prompted them to perpetrate the most barbarous crimes. A general confederacy of the protestants seemed to them the only thing that could uphold the reformation against the league which was formed to overturn it. Nor could the present establishment of religion be long main- Detrimental to Mary's interest.

[p] Carte, iii. 522.

1572. tained in Britain, but by a strict union with Elizabeth, and by the concurrence of both nations, in espousing the defence of it, as a common cause [q].

Encouraged by this general disposition to place confidence in her, Elizabeth resumed a scheme which she had formed during the regency of the earl of Murray, of sending Mary as a prisoner into Scotland. But her sentiments and situation were now very different from what they had been during her negotiation with Murray. Her animosity against the queen of Scots was greatly augmented by recent experience, which taught her that she had inclination, as well as power, not only to disturb the tranquillity of her reign, but to wrest from her the crown; the party in Scotland favourable to Mary was almost entirely broken; and there was no reason to dread any danger from France, which still continued to court her friendship. She aimed, accordingly, at something very different from that which she had in view three years before. Then she discovered a laudable solicitude, not only for the safety of Mary's life, but for securing to her treatment suited to her rank. Now she required, as an express condition, that, immediately after Mary's arrival in Scotland, she should be brought to public trial; and, having no doubt that sentence would be passed according to her deserts, she insisted that, for the good of both kingdoms, it should be executed without delay [r]. No transaction, perhaps, in Elizabeth's reign, merits more severe censure. Eager to cut short the days of a rival, the object both of her hatred and dread, and no less anxious to avoid the blame to which such a deed of violence might expose her, she laboured, with timid and ungenerous artifice, to transfer the odium of it from herself to Mary's own subjects. The earl of Mar, happily for the honour of his country, had more virtue than to listen to such an ignominious proposal; and Elizabeth did not venture to renew it.

[q] Digges, 244. 267.

[r] Murdin, 224.

While she was engaged in pursuing this insidious measure, the regent was more honourably employed in endeavouring to negotiate a general peace among his countrymen. As he laboured for this purpose with the utmost zeal, and the adverse faction placed entire confidence in his integrity, his endeavours could hardly have failed of being successful. Maitland and Kirkaldy came so near to an agreement with him, that scarce any thing remained, except the formality of signing the treaty. But Morton had not forgotten the disappointment he met with in his pretensions to the regency; his abilities, his wealth, and the patronage of the court of England, gave him greater sway with the party, than even the regent himself; and he took pleasure in thwarting every measure pursued by him. He was afraid that, if Maitland and his associates recovered any share in the administration, his own influence would be considerably diminished; and the regent, by their means, would acquire that ascendant which belonged to his station. With him concurred all those who were in possession of the lands which belonged to any of the queen's party. His ambition, and their avarice, frustrated the regent's pious intentions, and retarded a blessing so necessary to the kingdom, as the establishment of peace[s].

1572. The regent endeavours to unite both parties.

Such a discovery of the selfishness and ambition which reigned among his party, made a deep impression on the regent, who loved his country, and wished for peace with much ardour. This inward grief broke his spirit, and by degrees brought on a settled melancholy, that ended in a distemper, of which he died on the twenty-ninth of October. He was, perhaps, the only person in the kingdom who could have enjoyed the office of regent without envy, and have left it without loss of reputation. Notwithstanding their mutual animosities, both factions acknowledged his views to be honourable, and his integrity to be uncorrupted[t].

His death.

[s] Melv. 233. Crawf. Mem. 237.

[t] Crawf. Mem. 241.

1572. No competitor now appeared against Morton. The queen of England powerfully supported his claim, and, notwithstanding the fears of the people, and the jealousy of the nobles, he was elected regent; the fourth who, in the space of five years, had held that dangerous office.

Morton chosen regent. Nov. 24.

As the truce had been prolonged to the first of January, this gave him an opportunity of continuing the negotiations with the opposite party, which had been set on foot by his predecessor. They produced no effects, however, till the beginning of the next year.

Before we proceed to these, some events, hitherto untouched, deserve our notice.

The earl of Northumberland, who had been kept prisoner in Lochlevin ever since his flight into Scotland, in the year one thousand five hundred and sixty-nine, was given up to lord Hunsdon, governor of Berwick; and, being carried to York, suffered there the punishment of his rebellion. The king's party were so sensible of their dependence on Elizabeth's protection, that it was scarcely possible for them to refuse putting into her hands a person who had taken up arms against her; but, as a sum of money was paid on that account, and shared between Morton and Douglas of Lochlevin, the former of whom, during his exile in England, had been much indebted to Northumberland's friendship, the abandoning this unhappy nobleman, in such a manner, to certain destruction, was universally condemned as a most ungrateful and mercenary action[u].

Affairs of the church. This year was remarkable for a considerable innovation in the government of the church. Soon after the reformation, the popish bishops had been confirmed by law in possession of part of their benefices; but the spiritual jurisdiction, which belonged to their order, was exercised by superintendents, though with more moderate authority. On the death of the archbishop

[u] Crawf. Mem. 55. 222. Camd. 445.

of St. Andrew's, Morton obtained from the crown a grant of the temporalities of that see. But as it was thought indecent for a layman to hold a benefice to which the cure of souls was annexed, he procured Douglas, rector of the university of St. Andrew's, to be chosen archbishop; and, allotting him a small pension out of the revenues of the see, retained the remainder in his own hands. The nobles, who saw the advantages which they might reap from such a practice, supported him in the execution of his plan. It gave great offence, however, to the clergy, who, instead of perpetuating an order whose name and power were odious to them, wished that the revenues which had belonged to it might be employed in supplying such parishes as were still unprovided with settled pastors. But, on the one hand, it would have been rash in the clergy to have irritated too much noblemen, on whom the very existence of the protestant church in Scotland depended; and Morton, on the other, conducted his scheme with such dexterity, and managed them with so much art, that it was at last agreed, in a convention composed of the leading men among the clergy, together with a committee of privy council, "That the name and office of archbishop and bishop should be continued during the king's minority, and these dignities be conferred upon the best qualified among the protestant ministers; but that, with regard to their spiritual jurisdictions, they should be subject to the general assembly of the church." The rules to be observed in their election, and the persons who were to supply the place, and enjoy the privileges which belonged to the dean and chapter in times of popery, were likewise particularly specified[x]. The whole being laid before the general assembly, after some exceptions to the name of 'archbishop, dean, chapter,' etc. and a protestation that it should be con- 1572.

[x] Cald. ii. 305.

1572. sidered only as a temporary constitution, until one more perfect could be introduced, it obtained the approbation of that court[y]. Even Knox, who was prevented from attending the assembly by the ill state of his health, though he declaimed loudly against the simoniacal paction, to which Douglas owed his preferment, and blamed the nomination of a person worn out with age and infirmities, to an office which required unimpaired vigour both of body and mind, seems not to have condemned the proceedings of the convention; and, in a letter to the assembly, approved of some of the regulations with respect to the election of bishops, as worthy of being carefully observed[z]. In consequence of the assembly's consent to the plan agreed upon in the convention, Douglas was installed in his office, and at the same time an archbishop of Glasgow, and a bishop of Dunkeld, were chosen from among the protestant clergy. They were all admitted to the place in parliament, which belonged to the ecclesiastical order. But, in imitation of the example set by Morton, such bargains were made with them by different noblemen, as gave them possession only of a very small part of the revenues, which belonged to their sees[a].

Nov. 27. Death and character of Knox.

Soon after the dissolution of this assembly, Knox, the prime instrument of spreading and establishing the reformed religion in Scotland, ended his life in the sixty-seventh year of his age. Zeal, intrepidity, disinterestedness, were virtues which he possessed in an eminent degree. He was acquainted too with the learning cultivated among divines in that age; and excelled in that species of eloquence which is calculated to rouse and to inflame[b]. His maxims, however,

[y] Cald. ii. 354. [z] See Appendix, No. XXXVIII. [a] Spotsw. 261.

[b] A striking description of that species of eloquence for which Knox was distinguished, is given by one of his contemporaries, Mr. James Melville, minister of Anstruther. "But of all the benefites I had that year, 1571, was the coming of that most notible prophet and apostle of our nation, Mr. John Knox, to St. Andrew's, who, by the faction of the queen occupying the

were often too severe, and the impetuosity of his temper excessive. Rigid and uncomplying himself, he showed no indulgence to the infirmities of others. Regardless of the distinctions of rank and character, he uttered his admonitions with an acrimony and vehemence, more apt to irritate than to reclaim. This often betrayed him into indecent and undutiful expressions with respect to the queen's person and conduct. Those very qualities, however, which now render his character less amiable, fitted him to be the instrument of providence for advancing the reformation among a fierce people, and enabled him to face dangers, and to surmount opposition, from which a person of a more gentle spirit would have been apt to shrink back. By an unwearied application to study and to business, as well as by the frequency and fervour of his public discourses, he had worn out a constitution naturally robust. During a lingering illness he discovered the utmost fortitude; and met the approaches of death with a magnanimity inseparable from his character. He was constantly employed in acts of devotion, and comforted himself with those prospects of immortality, which not only preserve good men from desponding, but fill them with exultation in their last 1572.

castle and town of Edinburgh, was compelled to remove therefra with a number of the best, and chused to come to St. Andrew's. I heard him teach there the prophecies of Daniel that summer and the winter following. I had my pen and little buike, and took away sic things as I could comprehend. In the opening of his text, he was moderate the space of half an hour; but when he entered to application, he made me so to grue (thrill) and tremble, that I could not hald the pen to write.——He was very weak. I saw him every day of his doctrine go hulie (slowly) and fair, with a furring o' martick's about his neck, a staff in the one hand, and good godlie Richart Ballanden holding him up by the oxter (under the arm) from the abbey to the parish kirk; and he the said Richart and another servant lifted him up to the pulpit, where he behoved to lean at his first entrie; but e're he was done with his sermon, he was so active and vigorous, that he was like to ding the pulpit in blads, (beat the pulpit to pieces,) and fly out of it." Manuscript life of Mr. James Melville, communicated to me by Mr. Paton, of the Custom house, Edinburgh, p. 14. 21.

1572. moments. The earl of Morton, who was present at his funeral, pronounced his eulogium in a few words, the more honourable for Knox, as they came from one whom he had often censured with peculiar severity: "There lies he, who never feared the face of man[c]."

1573. The regent treats with the queen's party.

Though Morton did not desire peace from such generous motives as the former regent, he laboured, however, in good earnest, to establish it. The public confusions and calamities, to which he owed his power and importance when he was only the second person in the nation, were extremely detrimental to him, now that he was raised to be the first. While so many of the nobles continued in arms against him, his authority as regent was partial, feeble, and precarious. Elizabeth was no less desirous of extinguishing the flame which she had kindled and kept so long alive in Scotland[d]. She had discovered the alliance with France, from which she had expected such advantages, to be no foundation of security. Though appearances of friendship still subsisted between her and that court, and Charles daily renewed his protestations of inviolable adherence to the treaty, she was convinced, by a fatal example, how little she ought to rely on the promises or oaths of that perfidious monarch. Her ambassador warned her that the French held secret correspondence with Mary's adherents in Scotland, and encouraged them in their obstinacy[e]. The duke of Alva carried on his intrigues in that kingdom with less disguise. She was persuaded that they would embrace the first serene interval, which the commotions in France and in the Netherlands would allow them, and openly attempt to land a body of men in Scotland. She resolved, therefore, to prevent their getting any footing in the island, and to cut off all their hopes of finding any assistance there, by uniting the two parties.

[c] Spotsw. 266. Cald. ii. 273. [d] Digges, 299. [e] Idem, 296. 312.

The situation of Mary's adherents enabled the regent to carry on his negotiations with them to great advantage. They were now divided into two factions. At the head of the one were Chatelherault and Huntly. Maitland and Kirkaldy were the leaders of the other. Their high rank, their extensive property, and the numbers of their followers, rendered the former considerable. The latter were indebted for their importance to their personal abilities, and to the strength of the castle of Edinburgh, which was in their possession. The regent had no intention to comprehend both in the same treaty; but as he dreaded that the queen's party, if it remained entire, would be able to thwart and embarrass his administration, he resolved to divide and weaken it, by a separate negotiation. He made the first overture to Kirkaldy and his associates, and endeavoured to renew the negotiation with them, which, during the life of his predecessor, had been broken off by his own artifices. But Kirkaldy knew Morton's views, and system of government, to be very different from those of the former regent. Maitland considered him as a personal and implacable enemy. They received repeated assurances of protection from France; and though the siege of Rochelle employed the French arms at that time, the same hopes, which had so often deceived the party, still amused them, and they expected that the obstinacy of the hugonots would soon be subdued, and that Charles would then be at liberty to act with vigour in Scotland. Meanwhile, a supply of money was sent, and if the castle could be held out till Whitsunday, effectual aid was promised[f]. Maitland's genius delighted in forming schemes that were dangerous; and Kirkaldy possessed the intrepidity necessary for putting them in execution. The castle, they knew, was so situated that it might defy all the regent's power.

1573.

His overtures rejected by Maitland and Kirkaldy.

[f] Digges, 314.

1573. Elizabeth, they hoped, would not violate the treaty with France, by sending forces to his assistance; and if the French should be able to land any considerable body of men, it might be possible to deliver the queen from captivity, or at least to balance the influence of France and England in such a manner, as to rescue Scotland from the dishonourable dependence upon the latter, under which it had fallen. This splendid but chimerical project they preferred to the friendship of Morton. They encouraged the negotiation, however, because it served to gain time; they proposed, for the same purpose, that the whole of the queen's party should be comprehended in it, and that Kirkaldy should retain the command of the castle six months after the treaty was signed. His interest prompted the regent to reject the former; his penetration discovered the danger of complying with the latter; and all hopes of accommodation vanished [g].

As soon as the truce expired, Kirkaldy began to fire on the city of Edinburgh, which, by the return of the inhabitants whom he had expelled, was devoted as zealously as ever to the king's cause. But, as the regent had now set on foot a treaty with Chatelherault and Huntly, the cessation of arms still continued with them.

Accepted by Chatelherault and Huntly.

They were less scrupulous than the other party, and listened eagerly to his overtures. The duke was naturally unsteady, and the approach of old age increased his irresolution, and aversion to action. The miseries of civil discord had afflicted Scotland almost five years, a length of time far beyond the duration of any former contest. The war, instead of doing service, had been detrimental to the queen; and more ruinous than any foreign invasion to the kingdom. In prosecuting it, neither party had gained much honour; both had suffered great losses, and had exhausted

[g] Melv. 235, etc.

their own estates, in wasting those of their adversaries. 1573.
The commons were in the utmost misery, and longed ardently for a peace, which might terminate this fruitless but destructive quarrel.

A great step was taken towards this desirable event, by the treaty concluded at Perth, between the regent on one hand, and Chatelherault and Huntly on the other, under the mediation of Killegrew, Elizabeth's ambassador[h]. The chief articles in it were these: That all the parties comprehended in the treaty should declare their approbation of the reformed religion now established in the kingdom; that they should submit to the king's government, and own Morton's authority as regent; that they should acknowledge every thing done in opposition to the king, since his coronation, to be illegal; that on both sides the prisoners who had been taken should be set at liberty, and the estates which had been forfeited should be restored to their proper owners; that the act of attainder passed against the queen's adherents should be repealed, and indemnity granted for all the crimes of which they had been guilty since the fifteenth of June, one thousand five hundred and sixty-seven; and that the treaty should be ratified by the common consent of both parties in parliament[i]. Articles of the treaty. Feb. 23.

Kirkaldy, though abandoned by his associates, who neither discovered solicitude nor made provision for his safety, did not lose courage, nor entertain any thoughts of accommodation[k]. Though all Scotland had now submitted to the king, he still resolved to Siege of the castle of Edinburgh.

[h] See Appendix, No. XXXIX. [i] Crawf. Mem. 251.

[k] Melvil, whose brother, sir Robert, was one of those who joined with Kirkaldy in the defence of the castle, and who was himself strongly attached to their party, asserts that Kirkaldy offered to accept of any reasonable terms of composition, but that all his offers were rejected by the regent. Melv. 240. But, as Elizabeth was, at that time, extremely desirous of restoring peace in Scotland, and her ambassador Killegrew, as well as the earl of Rothes, used their utmost endeavours to persuade Kirkaldy to accede to the treaty of Perth, it seems more credible to impute the con-

1573. defend the castle in the queen's name, and to wait the arrival of the promised succours. The regent was in want of every thing necessary for carrying on a siege. But Elizabeth, who determined at any rate to bring the dissensions in Scotland to a period, before the French could find leisure to take part in the quarrel, soon afforded him sufficient supplies. Sir William Drury marched into Scotland with fifteen hundred
April 25. foot, and a considerable train of artillery. The regent joined him with all his forces; and trenches were opened, and approaches regularly carried on against the castle. Kirkaldy, though discouraged by the loss of a great sum of money remitted to him from France, and which fell into the regent's hands through the treachery of sir James Balfour, the most corrupt man of that age, defended himself with bravery, augmented by despair. Three-and-thirty days he resisted all the efforts of the Scotch and English, who pushed on their attacks with courage, and with emulation. Nor did he demand a parley, till the fortifications were battered down, and one of the wells in the castle dried up, and the other choked with rubbish. Even then, his spirit was unsubdued, and he determined rather to fall gloriously behind the last intrenchment, than to yield to his inveterate enemies. But his garrison was not animated with the same heroic or desperate resolution, and, rising in a mutiny, forced him to capitulate.
May 29. He surrendered himself to Drury, who promised, in the name of his mistress, that he should be favourably treated. Together with him, James Kirkaldy, his brother, lord Home, Maitland, sir Robert Melvil, a few citizens of Edinburgh, and about one hundred and sixty soldiers, were made prisoners[1].

tinuance of hostilities to Kirkaldy's obstinacy, his distrust of Morton, or his hope of foreign aid, than to any other cause.

That this was really the case, is evident from the positive testimony of Spotsw. 269, 270. Camd. 448. Johnst. Hist. 3, 4. Digges, 334. Crawford's account agrees, in the main, with theirs, Mem. 263.

[1] Cald. ii. 408. Melv. 240. Crawf. Mem. 265.

Several of the officers, who had been kept in pay during the war, prevailed on their men to accompany them into the Low Countries, and entering into the service of the States, added, by their gallant behaviour, to the reputation for military virtue, which has always been the characteristic of the Scottish nation. 1573.

Thus by the treaty with Chatelherault and Huntly, and the surrender of the castle, the civil wars in Scotland were brought to a period. When we review the state of the nation, and compare the strength of the two factions, Mary's partisans among the nobles appear, manifestly, to have been superior both in numbers and in power. But these advantages were more than counterbalanced by others, which their antagonists enjoyed. Political abilities, military skill, and all the talents which times of action form, or call forth, appeared chiefly on the king's side. Nor could their enemies boast of any man, who equalled the intrepidity of Murray, tempered with wisdom; the profound sagacity of Morton; the subtile genius, and insinuating address, of Maitland; or the successful valour of Kirkaldy; all of which were, at first, employed in laying the foundation of the king's authority. On the one side, measures were concerted with prudence, and executed with vigour; on the other, their resolutions were rash, and their conduct feeble. The people, animated with zeal for religion, and prompted by indignation against the queen, warmly supported the king's cause. The clergy threw the whole weight of their popularity into the same scale. By means of these, as well as by the powerful interposition of England, the king's government was finally established. Mary lost even that shadow of sovereignty, which, amidst all her sufferings, she had hitherto retained among part of her own subjects. As she was no longer permitted to have an ambassador at the court of England, the only mark of dignity which she had, for some time, enjoyed there, she must henceforth be considered as an exile stripped

Review of the character of both parties.

1573. of all the ensigns of royalty; guarded with anxiety in the one kingdom, and totally deserted or forgotten in the other.

Kirkaldy put to death.

Kirkaldy and his associates remained in Drury's custody, and were treated by him with great humanity, until the queen of England, whose prisoners they were, should determine their fate. Morton insisted that they should suffer the punishment due to their rebellion and obstinacy; and declared that, so long as they were allowed to live, he did not reckon his own person or authority secure: and Elizabeth, without regarding Drury's honour, or his promises in her name, gave them up to the regent's disposal. He first confined them to separate prisons; and soon after, with Eliza-

August 3. beth's consent, condemned Kirkaldy, and his brother, to be hanged at the cross of Edinburgh. Maitland, who did not expect to be treated more favourably, prevented the ignominy of a public execution, by a voluntary death, and "ended his days," says Melvil, "after the old Roman fashion[m]."

While the regent was wreaking his vengeance on the remains of her party in Scotland, Mary, incapable of affording them any relief, bewailed their misfortunes in the solitude of her prison. At the same time her health began to be much impaired by confinement and want of exercise. At the entreaty of the French ambassador, lord Shrewsbury, her keeper, was permitted to conduct her to Buxton-wells, not far from Tuthbury, the place of her imprisonment. Cecil, who had lately been created baron of Burleigh, and lord high treasurer of England, happened to be there at the same time. Though no minister ever entered more warmly into the views of a sovereign, or gave stronger proofs of his fidelity and attachment, than this great man, yet such was Elizabeth's distrust of every person who approached the queen of Scots, that her suspicions, in consequence

[m] Melv. 242.

of this interview, seem to have extended even to him; and while Mary justly reckoned him her most dangerous enemy, he found some difficulty in persuading his own mistress that he was not partial to that unhappy queen[n]. 1573.

The duke of Alva was this year recalled from the government of the Netherlands, where his haughty and oppressive administration roused a spirit, in attempting to subdue which, Spain exhausted its treasures, ruined its armies, and lost its glory. Requesens, who succeeded him, was of a milder temper, and of a less enterprising genius. This event delivered Elizabeth from the perpetual disquietude, occasioned by Alva's negotiations with the Scottish queen, and his zeal for her interest.

1574. The regent's administration becomes odious.

Though Scotland was now settled in profound peace, many of the evils which accompany civil war were still felt. The restraints of law, which, in times of public confusion, are little regarded even by civilized nations, were totally despised by a fierce people, unaccustomed to a regular administration of justice. The disorders in every corner of the kingdom were become intolerable; and, under the protection of the one or the other faction, crimes of every kind were committed with impunity. The regent set himself to redress these, and by his industry and vigour, order and security were reestablished in the kingdom. But he lost the reputation due to this important service, by the avarice which he discovered in performing it; and his own exactions became more pernicious to the nation than all the irregularities which he restrained[o]. Spies and informers were every where employed; the remembrance of old offences was revived; imaginary crimes were invented; petty trespasses were aggravated; and delinquents were forced to compound for their lives, by the payment of exorbitant fines. At the same time the

[n] Strype, ii. 248. 288.

[o] See Appendix, No. XL.

1574. current coin was debased[p]; licenses were sold for carrying on prohibited branches of commerce; unusual taxes were imposed on commodities; and all the refinements in oppression, from which nations so imperfectly polished as the Scots are usually exempted, were put in practice. None of these were complained of more loudly, or with greater reason, than his injustice towards the church. The thirds of benefices, out of which the clergy received their subsistence, had always been slowly and irregularly paid to collectors appointed by the general assembly; and, during the civil wars, no payment could be obtained in several parts of the kingdom. Under colour of redressing this grievance, and upon a promise of assigning every minister a stipend within his own parish, the regent extorted from the church the thirds to which they had right by law. But the clergy, instead of reaping any advantage from this alteration, found that payments became more irregular and dilatory than ever. One minister was commonly burthened with the care of four or five parishes, a pitiful salary was allotted him, and the regent's insatiable avarice seized on the rest of the fund[q].

The death of Charles the ninth, which happened this year, was a new misfortune to the Scottish queen. Henry the third, who succeeded him, had not the same attachment to her person; and his jealousy of the house of Guise, and obsequiousness to the queen-mother, greatly alienated him from her interest.

1575. Jan. 22. The death of the duke of Chatelherault must like-

[p] The corruption of the coin, during Morton's administration, was very great. Although the quantity of current money coined out of a pound of bullion, was gradually increased by former princes, the standard of fineness suffered little alteration, and the mixture of alloy was nearly the same with what is now used. But Morton mixed a fourth part of alloy with every pound of silver, and sunk, by consequence, the value of coin in proportion. In the year 1581, all the money coined by him was called in, and appointed to be recoined. The standard was restored to the same purity as formerly. Ruddim. Præf. to Anders. Diplom. p. 74.

[q] Crawf. Mem. 272. Spotsw. 273. Cald. ii. 420. 427.

wise be considered as some loss to Mary. As the parliament had frequently declared him next heir to the crown, this entitled him to great respect among his countrymen, and enabled him, more than any other person in the kingdom, to counterbalance the regent's power. 1575.

Soon after, at one of the usual interviews between the wardens of the Scottish and English marches, a scuffle happened, in which the English were worsted; a few killed on the spot; and sir James Forrester, the warden, with several gentlemen who attended him, taken prisoners. But both Elizabeth and the regent were too sensible of the advantage which resulted from the good understanding that subsisted between the two kingdoms, to allow this slight accident to interrupt it.

Attempts of the clergy against the episcopal order.

The domestic tranquillity of the kingdom was in some danger of being disturbed by another cause. Though the persons raised to the dignity of bishops possessed very small revenues, and a very moderate degree of power, the clergy, to whom the regent and all his measures were become extremely odious, began to be jealous of that order. Knowing that corruptions steal into the church gradually, under honourable names, and upon decent pretences, they were afraid that, from such small beginnings, the hierarchy might grow in time to be as powerful and oppressive as ever. The chief author of these suspicions was Mr. Andrew Melvil, a man distinguished by his uncommon erudition, by the severity of his manners, and the intrepidity of his mind. But, bred up in the retirement of a college, he was unacquainted with the arts of life; and being more attentive to the ends which he pursued, than to the means which he employed for promoting them, he often defeated laudable designs, by the impetuosity and imprudence with which he carried them on. A question was moved by him in the assembly, "Whether the office of bishop, as now exercised in the kingdom, were agreeable to the word of God." In the ecclesi-

1575. astical judicatories, continual complaints were made of the bishops for neglect of duty, many of which their known remissness too well justified. The bishop of Dunkeld, being accused of dilapidating his benefice, was found guilty by the assembly. The regent, instead of checking, connived at these disputes about ecclesiastical government, as they diverted the zeal of the clergy from attending to his daily encroachments on the patrimony of the church [r].

1576. He irritates some of the nobles. The weight of the regent's oppressive administration had, hitherto, fallen chiefly on those in the lower and middle rank; but he began now to take such steps as convinced the nobles, that their dignity would not long exempt them from feeling the effects of his power. An accident, which was a frequent cause of dissension among the Scottish nobles, occasioned a difference between the earls of Argyll and Athol. A vassal of the former had made some depredations on the lands of the latter. Athol took arms to punish the offender; Argyll to protect him; and this ignoble quarrel they were ready to decide in the field, when the regent, by interposing his authority, obliged them to disband their forces. Both of them had been guilty of irregularities, which, though common, were contrary to the letter of the law. Of these the regent took advantage, and resolved to found on them a charge of treason. This design was revealed to the two earls by one of Morton's retainers. The common danger, to which they were exposed, compelled them to forget old quarrels, and to unite in a close confederacy for their mutual defence. Their junction rendered them formidable; they despised the summons which the regent gave them to appear before a court of justice; and he was obliged to desist from any further prosecution. But the injury he intended made a deep impression on their minds, and drew upon him severe vengeance [s].

[r] Cald. Assemblies, 1574, etc. Johnst. Hist. 15. [s] Crawf. Mem. 285.

Nor was he more successful in an attempt which he made, to load lord Claud Hamilton with the guilt of having formed a conspiracy against his life. Though those who were supposed to be his accomplices were seized and tortured, no evidence of any thing criminal appeared; but, on the contrary, many circumstances discovered his innocence, as well as the regent's secret views in imputing to him such an odious design[t]. 1576.

The Scottish nobles, who were almost equal to their monarchs in power, and treated by them with much distinction, observed these arbitrary proceedings of a regent with the utmost indignation. The people, who, under a form of government extremely simple, had been little accustomed to the burthen of taxes, complained loudly of the regent's rapacity; and all began to turn their eyes towards the young king, from whom they expected the redress of all their grievances, and the return of a more gentle and more equal administration. 1577. They turn their eyes towards the king.

James was now in the twelfth year of his age. The queen, soon after his birth, had committed him to the care of the earl of Mar, and during the civil wars he had resided securely in the castle of Stirling. Alexander Erskine, that nobleman's brother, had the chief direction of his education. Under him, the famous Buchanan acted as preceptor, together with three other masters, the most eminent the nation afforded for skill in those sciences which were deemed necessary for a prince. As the young king showed an uncommon passion for learning, and made great progress in it, the Scots fancied that they already discovered in him all those virtues which the fondness or credulity of subjects usually ascribes to princes during their minority. But, as James was still far from that age at which the law permitted him to assume the reins of government, the regent did not sufficiently attend to the sentiments of the people, nor reflect how naturally these prejudices James's education and disposition.

[t] Crawf. Mem. 287.

1577. in his favour might encourage the king to anticipate that period. He not only neglected to secure the friendship of those who were about the king's person, and who possessed his ear, but had even exasperated some of them by personal injuries. Their resentment concurred with the ambition of others, in infusing into the king early suspicions of Morton's power and designs. A king, they told him, had often reason to fear, seldom to love, a regent. Prompted by ambition, and by interest, he would endeavour to keep the prince in perpetual infancy, at a distance from his subjects, and unacquainted with business. A small degree of vigour, however, was sufficient to break the yoke. Subjects naturally reverence their sovereign, and become impatient of the temporary and delegated jurisdiction of a regent. Morton had governed with rigour unknown to the ancient monarchs of Scotland. The nation groaned under his oppressions, and would welcome the first prospect of a milder administration. At present the king's name was hardly mentioned in Scotland, his friends were without influence, and his favourites without honour. But one effort would discover Morton's power to be as feeble as it was arbitrary. The same attempt would put himself in possession of his just authority, and rescue the nation from intolerable tyranny. If he did not regard his own rights as a king, let him listen, at least, to the cries of his people[u].

He is suspicious of the regent's power.

A plot formed against the regent.

These suggestions made a deep impression on the young king, who was trained up in an opinion that he was born to command. His approbation of the design, however, was of small consequence, without the concurrence of the nobles. The earls of Argyll and Athol, two of the most powerful of that body, were animated with implacable resentment against the regent. To them the cabal in Stirling castle communicated the plot which was on foot; and they entering warmly into it,

[u] Melvil, 249.

Alexander Erskine, who, since the death of his brother, and during the minority of his nephew, had the command of that fort, and the custody of the king's person, admitted them secretly into the king's presence. They gave him the same account of the misery of his subjects, under the regent's arbitrary administration; they complained loudly of the injustice with which themselves had been treated, and besought the king, as the only means for redressing the grievances of the nation, to call a council of all the nobles. James consented, and letters were issued in his name for that purpose; but the two earls took care that they should be sent only to such as were known to bear no good will to Morton[v]. 1577.

The number of these was, however, so considerable, that, on the day appointed, far the greater part of the nobles assembled at Stirling; and so highly were they incensed against Morton, that although, on receiving intelligence of Argyll and Athol's interview with the king, he had made a feint as if he would resign the regency, they advised the king, without regarding this offer, to deprive him of his office, and to take the administration of government into his own hands. Lord Glamis the chancellor, and Herries, were appointed to signify this resolution to Morton, who was at that time in Dalkeith, his usual place of residence. Nothing could equal the joy with which this unexpected resolution filled the nation, but the surprise occasioned by the seeming alacrity with which the regent descended from so high a station. He neither wanted sagacity to foresee the danger of resigning, nor inclination to keep possession of an office, for the expiration of which the law had fixed so distant a term. But all the sources, whence the faction of which he was head derived their strength, had either failed, or now supplied his adversaries with the means of humbling him. The com- 1578. March 24. He resigns his office, and retires.

[v] Spotsw. 278.

1578. mons, the city of Edinburgh, the clergy, were all, totally alienated from him, by his multiplied oppressions. Elizabeth, having lately bound herself by treaty, to send a considerable body of troops to the assistance of the inhabitants of the Netherlands, who were struggling for liberty, had little leisure to attend to the affairs of Scotland; and as she had nothing to dread from France, in whose councils the princes of Lorrain had not at that time much influence, she was not displeased, perhaps, at the birth of new factions in the kingdom. Even those nobles who had long been joined with Morton in faction, or whom he had attached to his person by benefits, Glamis, Lindsay, Ruthven, Pitcairn the secretary, Murray of Tullibardin comptroller, all deserted his falling fortunes, and appeared in the council at Stirling. So many concurring circumstances convinced Morton of his own weakness, and determined him to give way to a torrent, which was too impetuous to be
March 12. resisted. He attended the chancellor and Herries to Edinburgh; was present when the king's acceptance of the government was proclaimed; and, in the presence of the people, surrendered to the king all the authority to which he had any claim in virtue of his office. This ceremony was accompanied with such excessive joy and acclamations of the multitude, as added, no doubt, to the anguish which an ambitious spirit must feel, when compelled to renounce supreme power; and convinced Morton how entirely he had lost the affections of his countrymen. He obtained, however, from the king an act containing the approbation of every thing done by him in the exercise of his office, and a pardon, in the most ample form that his fear or caution could devise, of all past offences, crimes, and treasons. The nobles, who adhered to the king, bound themselves, under a great penalty, to procure the ratification of this act in the first parliament[x].

[x] Spotsw. 278. Crawf. Mem. 289. Cald. ii. 522.

A council of twelve peers was appointed to assist the king in the administration of affairs. Morton, deserted by his own party, and unable to struggle with the faction which governed absolutely at court, retired to one of his seats, and seemed to enjoy the tranquillity, and to be occupied only in the amusements, of a country life. His mind, however, was deeply disquieted with all the uneasy reflections which accompany disappointed ambition, and intent on schemes for recovering his former grandeur. Even in this retreat, which the people called the 'lion's den,' his wealth and abilities rendered him formidable; and the new counsellors were so imprudent as to rouse him, by the precipitancy with which they hastened to strip him of all the remains of power. They required him to surrender the castle of Edinburgh, which was still in his possession. He refused at first to do so, and began to prepare for its defence; but the citizens of Edinburgh having taken arms, and repulsed part of the garrison, which was sent out to guard a convoy of provisions, he was obliged to give up that important fortress without resistance. This encouraged his adversaries to call a parliament to meet at Edinburgh, and to multiply their demands upon him, in such a manner as convinced him that nothing less than his utter ruin would satisfy their inveterate hatred. 1578. Continues to watch the motions of the adverse party.

Their power and popularity, however, began already to decline. The chancellor, the ablest and most moderate man in the party, having been killed at Stirling, in an accidental rencounter between his followers and those of the earl of Crawford; Athol, who was appointed his successor in that high office, the earls of Eglinton, Caithness, and lord Ogilvie, all the prime favourites at court, were either avowed papists, or suspected of leaning to the opinions of that sect. In an age when the return of popery was so much and so justly dreaded, this gave universal alarm. As Morton had always treated the papists with rigour, this unseasonable fa-

1578. vour to persons of that religion made all zealous protestants remember that circumstance in his administration with great praise[y].

Resumes his former authority.

Morton, to whom none of these particulars were unknown, thought this the proper juncture for setting to work the instruments which he had been preparing. Having gained the confidence of the earl of Mar, and of the countess his mother, he insinuated to them, that Alexander Erskine had formed a plot to deprive his nephew of the government of Stirling castle, and the custody of the king's person; and easily induced an ambitious woman, and a youth of twenty to employ

April 26. force to prevent this supposed injury. The earl repairing suddenly to Stirling, and being admitted as usual into the castle with his attendants, seized the gates early in the morning, and turned out his uncle, who dreaded no danger from his hands. The soldiers of the garrison submitted to him as their governor, and, with little danger and no effusion of blood, he became master both of the king's person and of the fortress[z].

An event so unexpected occasioned great consternation. Though Morton's hand did not appear in the execution, he was universally believed to be the author of the attempt. The new counsellors saw it to be necessary, for their own safety, to change their measures, and, instead of pursuing him with such implacable resentment, to enter into terms of accommodation with an adversary, still so capable of creating them trouble. Four were named on each side to adjust their differences. They met not far from Dalkeith; and when they had brought matters near a conclusion, Morton, who was too sagacious not to improve the advantage which their security and their attention to the treaty afforded him, set out in the night-time for Stirling, and, having gained Murray of Tullibardin,

May 24. Mar's uncle, was admitted by him into the castle; and,

[y] Spotsw. 283. [z] Cald. ii. 535.

managing matters there with his usual dexterity, he soon had more entirely the command of the fort, than the earl himself. He was likewise admitted to a seat in the privy council, and acquired as complete an ascendant in it[a]. 1578.

As the time appointed for the meeting of parliament in Edinburgh now approached, this gave him some anxiety. He was afraid of conducting the young king to a city whose inhabitants were so much at the devotion of the adverse faction. He was no less unwilling to leave James behind at Stirling. In order to avoid this dilemma, he issued a proclamation in the king's name, changing the place of meeting from Edinburgh to Stirling castle. This Athol and his party represented as a step altogether unconstitutional. The king, said they, is Morton's prisoner; the pretended counsellors are his slaves; a parliament, to which all the nobles may repair without fear, and where they may deliberate with freedom, is absolutely necessary for settling the nation, after disorders of such long continuance. But in an assembly called contrary to all form, held within the walls of a garrison, and overawed by armed men, what safety could members expect? what liberty could prevail in debate? or what benefit result to the public? The parliament met, however, on the day appointed, and, notwithstanding the protestation of the earl of Montrose and lord Lindsay, in name of their party, proceeded to business. The king's acceptance of the government was confirmed: the act granted to Morton, for his security, ratified; some regulations with regard to the numbers and authority of the privy council, were agreed upon; and a pension for life granted to the countess of Mar, who had been so instrumental in bringing about the late revolution[b]. July 25.

Argyll and Athol take arms against him.

Meanwhile, Argyll, Athol, and their followers, took arms, upon the specious pretence of rescuing the king

[a] Cald. ii. 536. [b] Ibid. 547. Parl. 5 Jac. vi.

1578. from captivity, and the kingdom from oppression. James himself, impatient of the servitude in which he was held, by a man whom he had long been taught to hate, secretly encouraged their enterprise; though, at the same time, he was obliged not only to disavow them in public, but to levy forces against them, and even to declare, by proclamation, that he was perfectly free from any constraint, either upon his person or his
August 11. will. Both sides quickly took the field. Argyll and Athol were at the head of seven thousand men; the earl of Angus, Morton's nephew, met them with an army five thousand strong; neither party, however, was eager to engage. Morton distrusted the fidelity of his own troops. The two earls were sensible that a single victory, however complete, would not be decisive; and, as they were in no condition to undertake the siege of Stirling castle, where the king was kept, their strength would soon be exhausted, while Morton's own wealth, and the patronage of the queen of England, might furnish him with endless resources.

Elizabeth negotiates an accommodation between them.

By the mediation of Bowes, whom Elizabeth had sent into Scotland to negotiate an accommodation between the two factions, a treaty was concluded, in consequence of which, Argyll and Athol were admitted into the king's presence; some of their party were added to the privy council; and a convention of nobles called, in order to bring all remaining differences to an amicable issue[c].

As soon as James assumed the government into his own hands, he despatched the abbot of Dunfermling to inform Elizabeth of that event; to offer to renew the alliance between the two kingdoms; and to demand possession of the estate which had lately fallen to him by the death of his grandmother, the countess of Lennox. That lady's second son had left one daughter, Arabella Stewart, who was born in England. And

[c] Crawf. Mem. 307.

as the chief objection against the pretensions of the Scottish line to the crown of England, was that maxim of English law, which excludes aliens from any right of inheritance within the kingdom, Elizabeth, by granting this demand, would have established a precedent in James's favour, that might have been deemed decisive, with regard to a point, which it had been her constant care to keep undecided. Without suffering this delicate question to be tried, or allowing any new light to be thrown on that, which she considered as the great mystery of her reign, she commanded lord Burleigh, master of the wards, to sequester the rents of the estate; and, by this method of proceeding, gave the Scottish king early warning how necessary it would be to court her favour, if ever he hoped for success in claims of greater importance, but equally liable to be controverted[d]. 1578.

After many delays, and with much difficulty, the contending nobles were at last brought to some agreement. But it was followed by a tragical event. Morton, in token of reconcilement, having invited the leaders of the opposite party to a great entertainment, Athol, the chancellor, was soon after taken ill, and died within a few days. The symptoms and violence of the disease gave rise to strong suspicions of his being poisoned; and though the physicians, who opened his body, differed in opinion as to the cause of the distemper, the chancellor's relations publicly accused Morton of that odious crime. The advantage which visibly accrued to him, by the removal of a man of great abilities, and averse from all his measures, was deemed a sufficient proof of his guilt by the people, who are ever fond of imputing the death of eminent persons to extraordinary causes[e]. 1579. April 24.

The office of chancellor was bestowed upon Argyll, whom this preferment reconciled, in a great measure, Morton's illegal proceedings

[d] Camd. 461. [e] Spotsw. 306.

1579. to Morton's administration. He had now recovered all the authority which he possessed during his regency, and had entirely broken, or baffled, the power and cabals of his enemies. None of the great families remained to be the objects of his jealousy or to obstruct his designs, but that of Hamilton. The earl of Arran, the eldest brother, had never recovered the shock which he received from the ill success of his passion for the queen, and had now altogether lost his reason. Lord John, the second brother, was in possession of the family estate. Lord Claud was commendator of Paisley; both of them young men, ambitious and enterprising. Morton dreaded their influence in the kingdom; the courtiers hoped to share their spoils among them; and as all princes naturally view their successors with jealousy and hatred, it was easy to infuse these passions into the mind of the young king. A pretence was at hand to justify the most violent proceedings. The pardon, stipulated in the treaty of Perth, did not extend to such as were accessory to the murder of the regents, Murray or Lennox. Lord John and his brother were suspected of being the authors of both these crimes, and had been included in a general act of attainder on that account. Without summoning them to trial, or examining a single witness to prove the charge, this attainder was now thought sufficient to subject them to all the penalties which they would have incurred by being formally convicted. The earls of Morton, Mar, and Eglinton, together with the lords Ruthven, Boyd, and Cathcart, received a commission to seize their persons and estates. On a few hours' warning, a considerable body of troops was ready, and marched towards Hamilton in hostile array. Happily the two brothers made their escape, though with great difficulty. But their lands were confiscated; the castles of Hamilton and Draffan besieged; those who defended them punished. The earl of Arran, though incapable, from his situation, of committing any crime,

against the family of Hamilton.

was involved, by a shameful abuse of law, in the common ruin of his family; and, as if he, too, could have been guilty of rebellion, he was confined a close prisoner. These proceedings, so contrary to the fundamental principles of justice, were all ratified in the subsequent parliament[f]. 1579.

About this time Mary sent, by Naué her secretary, a letter to her son, together with some jewels of value, and a vest embroidered with her own hands. But, as she gave him only the title of prince of Scotland, the messenger was dismissed, without being admitted into his presence[g].

Though Elizabeth had, at this time, no particular reason to fear any attempt of the popish princes in Mary's favour, she still continued to guard her with the same anxious care. The acquisition of Portugal on the one hand, and the defence of the Netherlands on the other, fully employed the councils and arms of Spain. France, torn in pieces by intestine commotions, and under a weak and capricious prince, despised and distrusted by his own subjects, was in no condition to disturb its neighbours. Elizabeth had long amused that court by carrying on a treaty of marriage with the duke of Alençon, the king's brother. But whether, at the age of forty-five, she really intended to marry a prince of twenty; whether the pleasure of being flattered and courted made her listen to the addresses of so young a lover, whom she allowed to visit her at two different times, and treated with the most distinguishing respect; or whether considerations of interest predominated in this as well as in every other transaction of her reign, are problems in history which we are not concerned to resolve. During the progress of this negotiation, which was drawn out to an extraordinary length, Mary could expect no assistance from the French court, and seems to have held little correspond- Negotiations for a marriage between Elizabeth and the duke of Alençon.

[f] Crawf. Mem. 311. Spotsw. 306. [g] Crawf. Mem. 314.

1579. ence with it; and there was no period in her reign, wherein Elizabeth enjoyed more perfect security.

Two favourites gain an ascendant over James.

Morton seems at this time to have been equally secure; but his security was not so well founded. He had weathered out one storm, had crushed his adversaries, and was again in possession of the sole direction of affairs. But as the king was now of an age, when the character and dispositions of the mind begin to unfold themselves, and to become visible, the smallest attention to these might have convinced him, that there was reason to expect new and more dangerous attacks on his power. James early discovered that excessive attachment to favourites, which accompanied him through his whole life. This passion, which naturally arises from inexperience, and youthful warmth of heart, was, at his age, far from being culpable; nor could it well be expected that the choice of the objects, on whom he placed his affections, should be made with great skill. The most considerable of them was Esme Stewart, a native of France, and son of a second brother of the earl of Lennox. He was distinguished by the title of lord d'Aubigné, an estate in France, which descended to him from his ancestors, on whom it had been conferred, in reward of their valour and services to the French crown. He arrived in Scotland about this time, on purpose to demand the estate and title of Lennox, to which he pretended a legal right. He was received at first by the king with the respect due to so near a relation. The gracefulness of his person, the elegance of his dress, and his courtly behaviour, made a great impression on James, who, even in his more mature years, was little able to resist these frivolous charms; and his affection flowed with its usual rapidity and profusion. Within a few days after Stewart's appearance at court, he was created lord Aberbrothock, soon after earl, and then duke of Lennox, governor of Dunbarton castle, captain of the guard, first lord of the bedchamber, and lord high chamberlain. At the

Sept. 8.

same time, and without any of the envy or emulation which is usual among candidates for favour, captain James Stewart, the second son of lord Ochiltree, grew into great confidence. But, notwithstanding this union, Lennox and captain Stewart were persons of very opposite characters. The former was naturally gentle, humane, candid; but unacquainted with the state of the country, and misled or misinformed by those whom he trusted; not unworthy to be the companion of the young king in his amusements, but utterly disqualified for acting as a minister in directing his affairs. The latter was remarkable for all the vices which render a man formidable to his country, and a pernicious counsellor to his prince; nor did he possess any one virtue to counterbalance these vices, unless dexterity in conducting his own designs, and an enterprising courage, superior to the sense of danger, may pass by that name. Unrestrained by religion, regardless of decency, and undismayed by opposition, he aimed at objects seemingly unattainable; but, under a prince void of experience, and blind to all the defects of those who had gained his favour, his audacity was successful; and honours, wealth, and power, were the reward of his crimes. 1579.

They labour to undermine Morton's authority.

Both the favourites concurred in employing their whole address to undermine Morton's credit, which alone obstructed their full possession of power. As James had been bred up with an aversion for that nobleman, who endeavoured rather to maintain the authority of a tutor, than to act with the obsequiousness of a minister, they found it no difficult matter to accomplish their design. Morton, who could no longer keep the king shut up within the walls of Stirling castle, having called a parliament to meet at Edinburgh, brought him thither. James made his entry into the capital with great solemnity; the citizens received him with the loudest acclamations of joy, and with many expensive pageants, according to the mode of that age. Oct. 17.

1579. After a long period of thirty-seven years, during which Scotland had been subjected to the delegated power of regents, or to the feeble government of a woman; after having suffered all the miseries of civil war, and felt the insolence of foreign armies, the nation rejoiced to see the sceptre once more in the hands of a king. Fond even of that shadow of authority, which a prince of fifteen could possess, the Scots flattered themselves, that union, order, and tranquillity, would now be restored to the kingdom. James opened the parliament with extraordinary pomp, but nothing remarkable passed in it.

1580. These demonstrations, however, of the people's love and attachment to their sovereign, encouraged the favourites to continue their insinuations against Morton; and as the king now resided in the palace of Holyrood house, to which all his subjects had access, the cabal against the earl grew daily stronger, and the intrigue which occasioned his fall ripened gradually.

Morton endeavours to prevent them.

Morton began to be sensible of his danger, and endeavoured to put a stop to the career of Lennox's preferment, by representing him as a formidable enemy to the reformed religion, a secret agent in favour of popery, and a known emissary of the house of Guise. The clergy, apt to believe every rumour of this kind, spread the alarm among the people. But Lennox, either out of complaisance to his master, or convinced by the arguments of some learned divines, whom the king appointed to instruct him in the principles of the protestant religion, publicly renounced the errours of popery, in the church of St. Giles, and declared himself a member of the church of Scotland, by signing her confession of faith. This, though it did not remove all suspicions, nor silence some zealous preachers, abated, in a great degree, the force of the accusation [h].

On the other hand, a rumour prevailed that Morton

[h] Crawf. Mem. 319. Spotsw. 308.

was preparing to seize the king's person, and to carry him into England. Whether despair of maintaining his power by any other means, had driven him to make any overture of that kind to the English court, or whether it was a calumny invented by his adversaries to render him odious, cannot now be determined with certainty. As he declared at his death that such a design had never entered into his thoughts, the latter seems to be most probable. It afforded a pretence, however, for reviving the office of lord chamberlain, which had been for some time disused. That honour was conferred on Lennox. Alexander Erskine, Morton's capital enemy, was his deputy; they had under them a band of gentlemen, who were appointed constantly to attend the king, and to guard his person[1]. 1580.

Elizabeth interposes in his behalf.

Morton was not ignorant of what his enemies intended to insinuate by such unusual precautions for the king's safety; and, as his last resource, applied to Elizabeth, whose protection had often stood him in stead in his greatest difficulties. In consequence of this application, Bowes, her envoy, accused Lennox of practices against the peace of the two kingdoms, and insisted, in her name, that he should instantly be removed from the privy council. Such an unprecedented demand was considered by the counsellors as an affront to the king, and an encroachment on the independence of the kingdom. They affected to call in question the envoy's powers, and, upon that pretence, refused him farther audience; and he retiring in disgust, and without taking leave, sir Alexander Home was sent to expostulate with Elizabeth on the subject. After the treatment which her envoy had received, Elizabeth thought it below her dignity to admit Home into her presence. Burleigh, to whom he was commanded to impart his commission, reproached him with his master's ingratitude towards a benefactress who had placed

[1] Crawf. Mem. 320.

1580. the crown on his head, and required him to advise the king to beware of sacrificing the friendship of so necessary an ally to the giddy humours of a young man, without experience, and strongly suspected of principles and attachments incompatible with the happiness of the Scottish nation.

Morton accused of the murder of the late king.

This accusation of Lennox hastened, in all probability, Morton's fall. The act of indemnity, which he had obtained when he resigned the regency, was worded with such scrupulous exactness, as almost screened him from any legal prosecution. The murder of the late king was the only crime which could not, with decency, be inserted in a pardon granted by his son. Here Morton still lay open to the penalties of the law, and captain Stewart, who shunned no action, however desperate, if it led to power or to favour, entered the council chamber while the king and nobles were as-

Dec. 30. sembled, and, falling on his knees, accused Morton of being accessory, or, according to the language of the Scottish law, 'art and part,' in the conspiracy against the life of his majesty's father, and offered, under the usual penalties, to verify this charge by legal evidence. Morton, who was present, heard this accusation with firmness; and replied with a disdainful smile, proceeding either from contempt of the infamous character of his accuser, or from consciousness of his own innocence, "that his known zeal in punishing those who were suspected of that detestable crime, might well exempt himself from any suspicion of being accessory to it; nevertheless, he would cheerfully submit to a trial, either in that place or in any other court; and doubted not but his own innocence, and the malice of his enemies would then appear in the clearest light." Stewart, who was still on his knees, began to inquire how he would reconcile his bestowing so many honours on Archibald Douglas, whom he certainly knew to be one of the murderers, with his pretended zeal against that crime. Morton was ready to answer. But the king

commanded both to be removed. The earl was confined, first of all to his own house, and then committed to the castle of Edinburgh, of which Alexander Erskine was governor; and, as if it had not been a sufficient indignity to subject him to the power of one of his enemies, he was soon after carried to Dunbarton, of which Lennox had the command. A warrant was likewise issued for apprehending Archibald Douglas; but he, having received timely intelligence of the approaching danger, fled into England[k]. 1581. January 2. Jan. 18.

The earl of Angus, who imputed these violent proceedings not to hatred against Morton alone, but to the ancient enmity between the houses of Stewart and of Douglas, and who believed that a conspiracy was now formed for the destruction of all who bore that name, was ready to take arms in order to rescue his kinsman. But Morton absolutely forbade any such attempt, and declared that he would rather suffer ten thousand deaths than bring an imputation upon his own character by seeming to decline a trial[l].

Elizabeth did not fail to interpose, with warmth, in behalf of a man who had contributed so much to preserve her influence over Scotland. The late transactions in that kingdom had given her great uneasiness. The power which Lennox had acquired independent of her was dangerous; the treatment her ambassadors had met with differed greatly from the respect with which the Scots were in use to receive her ministers; and the attack now made on Morton fully convinced her that there was an intention to sow the seeds of discord between the two nations, and to seduce James into a new alliance with France, or into a marriage with some popish princess. Full of these apprehensions, she ordered a considerable body of troops to be assembled on the borders of Scotland, and despatched Randolph as her ambassador into that kingdom. He Elizabeth's measures in order to save him.

[k] Crawf. Mem. 323.

[l] Johnst. 64. Spotsw. 311.

1581. addressed himself not only to James, and to his council, but to a convention of estates met at that time. He began with enumerating the extraordinary benefits which Elizabeth had conferred on the Scottish nation: that without demanding a single foot of land for herself, without encroaching on the liberties of the kingdom in the smallest article, she had, at the expense of the blood of her subjects and the treasures of her crown, rescued the Scots from the dominion of France, established among them true religion, and put them in possession of their ancient rights: that from the beginning of civil dissensions in the kingdom, she had protected those who espoused the king's cause, and by her assistance alone, the crown had been preserved on his head, and all the attempts of the adverse faction baffled: that an union, unknown to their ancestors, but equally beneficial to both kingdoms, had subsisted for a long period of years, and though so many popish princes had combined to disturb this happy state of things, her care, and their constancy, had hitherto defeated all these efforts: that she had observed of late an unusual coldness, distrust, and estrangement in the Scottish council, which she could impute to none but to Lennox, a subject of France, a retainer to the house of Guise, bred up in the errours of popery, and still suspected of favouring that superstition. Not satisfied with having mounted so fast to an uncommon height of power, which he exercised with all the rashness of youth, and all the ignorance of a stranger; nor thinking it enough to have deprived the earl of Morton of the authority due to his abilities and experience, he had conspired the ruin of that nobleman, who had often exposed his life in the king's cause, who had contributed more than any other subject to place him on the throne, to resist the encroachments of popery, and to preserve the union between the two kingdoms. If any zeal for religion remained among the nobles in Scotland, if they wished for the continuance of amity

with England, if they valued the privileges of their own order, he called upon them, in the name of his mistress, to remove such a pernicious counsellor as Lennox from the presence of the young king, to rescue Morton out of the hands of his avowed enemy, and secure to him the benefit of a fair and impartial trial: and if force was necessary towards accomplishing a design so salutary to the king and kingdom, he promised them the protection of his mistress in the enterprise, and whatever assistance they should demand, either of men or money [m]. 1581.

But these extraordinary remonstrances, accompanied with such an unusual appeal from the king to his subjects, were not the only means employed by Elizabeth in favour of Morton, and against Lennox. She persuaded the prince of Orange to send an agent into Scotland, and, under colour of complimenting James on account of the valour which many of his subjects had displayed in the service of the States, to enter into a long detail of the restless enterprises of the popish princes against the protestant religion; to beseech him to adhere inviolably to the alliance with England, the only barrier which secured his kingdom against their dangerous cabals; and, above all things, to distrust the insinuations of those who endeavoured to weaken or to dissolve that union between the British nations, which all the protestants in Europe beheld with so much pleasure [n].

James's counsellors were too intent upon the destruction of their enemy to listen to these remonstrances. The officious interposition of the prince of Orange, the haughty tone of Elizabeth's message, and her avowed attempt to excite subjects to rebel against their sovereign, were considered as unexampled insults on the majesty and independence of a crowned head. James determines to proceed against him.

[m] Cald. iii. 6. Strype, ii. 621.

[n] Cald. iii. 9. See Appendix, No. XLI.

1581. A general and evasive answer was given to Randolph. James prepared to assert his own dignity with spirit. All those suspected of favouring Morton were turned out of office, some of them were required to surrender themselves prisoners; the men capable of bearing arms throughout the kingdom were commanded to be in readiness to take the field; and troops were levied and posted on the borders. The English ambassador, finding that neither the public manifesto which he had delivered to the convention, nor his private cabals with the nobles, could excite them to arms, fled in the night-time out of Scotland, where libels against him had been daily published, and even attempts made upon his life. In both kingdoms every thing wore an hostile aspect. But Elizabeth, though she wished to have intimidated the Scottish king by her preparations, had no inclination to enter into a war with him; and the troops on the borders, which had given such umbrage, were soon dispersed[o].

The greater solicitude Elizabeth discovered for Morton's safety, the more eagerly did his enemies drive on their schemes for his destruction. Captain Stewart, his accuser, was first appointed 'tutor' to the earl of Arran, and soon after both the title and estate of his unhappy ward, to which he advanced some frivolous claim, were conferred upon him. The new-made peer was commanded to conduct Morton from Dunbarton to Edinburgh; and by that choice the earl was not only warned what fate he might expect, but had the cruel mortification of seeing his deadly enemy already loaded with honours, in reward of the malice with which he had contributed to his ruin.

He is tried and condemned.

The records of the court of 'justiciary' at this period are lost. The account which our historians give of Morton's trial is inaccurate and unsatisfactory. The proceedings against him seem to have been carried on

[o] Crawf. Mem. 328. Strype, ii. Append. 138.

with violence. During the trial, great bodies of armed men were drawn up in different parts of the city. The jury was composed of the earl's known enemies; and though he challenged several of them, his objections were overruled. After a short consultation, his peers found him guilty of concealing, and of being 'art and part' in the conspiracy against the life of the late king. The first part of the verdict did not surprise him, but he twice repeated the words 'art and part' with some vehemence, and added, "God knows it is not so." The doom which the law decrees against a traitor, was pronounced. The king, however, remitted the cruel and ignominious part of the sentence, and appointed that he should suffer death next day, by being beheaded[p]. 1581.

His death.

During that awful interval, Morton possessed the utmost composure of mind. He supped cheerfully; slept a part of the night in his usual manner, and employed the rest of his time in religious conferences, and in acts of devotion with some ministers of the city. The clergymen who attended him, dealt freely with his conscience, and pressed his crimes home upon him. What he confessed with regard to the crime for which he suffered, is remarkable, and supplies, in some measure, the imperfection of our records. He acknowledged, that on his return from England, after the death of Rizio, Bothwell had informed him of the conspiracy against the king, which the queen, as he told him, knew of and approved; that he solicited him to concur in the execution of it, which at that time he absolutely declined; that, soon after, Bothwell himself, and Archibald Douglas, in his name, renewing their solicitations to the same purpose, he had required a warrant under the queen's hand, authorizing the attempt, and as that had never been produced, he had refused to be any further concerned in the matter.

[p] Spotsw. 314. Johnst. 65. Crawf. Mem. 332. Cald. iii. 45. Arnot's Crimin. Trials, 388.

1581. "But," continued he, "as I neither consented to this treasonable act, nor assisted in the committing of it, so it was impossible for me to reveal, or to prevent it. To whom could I make the discovery? The queen was the author of the enterprise. Darnly was such a changeling, that no secret could be safely communicated to him. Huntly and Bothwell, who bore the chief sway in the kingdom, were themselves the perpetrators of the crime." These circumstances, it must be confessed, go some length towards extenuating Morton's guilt; and though his apology for the favour he had shown to Archibald Douglas, whom he knew to be one of the conspirators, be far less satisfactory, no uneasy reflections seem to have disquieted his own mind on that account[q]. When his keepers told him that the guards were attending, and all things in readiness, "I praise my God," said he, "I am ready likewise." Arran commanded these guards; and even in those moments, when the most implacable hatred is apt to relent, the malice of his enemies could not forbear this insult. On the scaffold, his behaviour was calm; his countenance and voice unaltered; and, after some time spent in devotion, he suffered death with the intrepidity which became the name of Douglas. His head was placed on the public gaol of Edinburgh; and his body, after lying till sunset on the scaffold, covered with a beggarly cloak, was carried by common porters to the usual burial-place of criminals. None of his friends durst accompany it to the grave, or discover their gratitude and respect by any symptoms of sorrow[r]."

Odious conduct of Arran.

Arran, no less profligate in private life than audacious in his public conduct, soon after drew the attention of his countrymen by his infamous marriage with the countess of March. Before he grew into favour at court, he had been often entertained in her husband's

[q] Crawf. Mem. App. iii.

[r] Crawf. Mem. 334. Spotsw. 314.

house, and, without regarding the laws of hospitality or of gratitude, carried on a criminal intrigue with the wife of his benefactor, a woman young and beautiful, but, according to the description of a contemporary historian, "intolerable in all the imperfections incident to her sex." Impatient of any restraint upon their mutual desires, they, with equal ardour, wished to avow their union publicly, and to legitimate, by a marriage, the offspring of their unlawful passion. The countess petitioned to be divorced from her husband, for a reason which no modest woman will ever plead. The judges, overawed by Arran, passed sentence without delay. This infamous scene was concluded by a marriage, solemnized with great pomp, and beheld by all ranks of men with the utmost horrour[s]. 1581. July 6.

A parliament was held this year, at the opening of which some disputes arose between Arran and the new-created duke of Lennox. Arran, haughty by nature, and pushed on by his wife's ambition, began to affect an equality with the duke, under whose protection he had hitherto been contented to place himself. After various attempts to form a party in the council against Lennox, he found him fixed so firmly in the king's affections, that it was impossible to shake him; and, rather than lose all interest at court, from which he was banished, he made the most humble submissions to the favourite, and again recovered his former credit. This rupture contributed, however, to render the duke still more odious to the nation. During the continuance of it, Arran affected to court the clergy, pretended an extraordinary zeal for the protestant religion, and laboured to confirm the suspicions which were entertained of his rival, as an emissary of the house of Guise, and a favourer of popery. As he was supposed to be acquainted with the duke's most secret designs, his calumnies were listened to with greater Oct. 24.

[s] Spotsw. 315.

1581. credit than was due to his character. To this rivalship between Lennox and Arran, during the continuance of which each endeavoured to conciliate the good-will of the clergy, we must ascribe several acts of this parliament uncommonly favourable to the church, particularly one which abolished the practice introduced by Morton, of appointing but one minister to several parishes.

Ecclesiastical affairs.

No notice hath been taken for several years of ecclesiastical affairs. While the civil government underwent so many extraordinary revolutions, the church was not free from convulsions. Two objects chiefly engrossed the attention of the clergy. The one was, the forming a system of discipline, or ecclesiastical polity. After long labour, and many difficulties, this system was at last brought to some degree of perfection. The assembly solemnly approved of it, and appointed it to be laid before the privy council, in order to obtain the ratification of it in parliament. But Morton, during his administration, and those who, after his fall, governed the king, were equally unwilling to see it carried into execution; and, by starting difficulties, and throwing in objections, prevented it from receiving a legal sanction. The other point in view was the abolition of the episcopal order. The bishops were so devoted to the king, to whom they owed their promotion, that the function itself was by some reckoned dangerous to civil liberty. Being allowed a seat in parliament, and distinguished by titles of honour, these not only occasioned many avocations from their spiritual functions, but soon rendered their character and manners extremely different from those of the clergy in that age. The nobles viewed their power with jealousy; the populace considered their lives as profane; and both wished their downfal, with equal ardour. The personal emulation between Melvil and Adamson, a man of learning, and eminent for his popular eloquence, who was promoted, on the death of Douglas,

to be archbishop of St. Andrew's, mingled itself with the passions on each side, and heightened them. Attacks were made in every assembly on the order of bishops; their privileges were gradually circumscribed; and at last an act was passed, declaring the office of bishop, as it was then exercised within the realm, to have neither foundation nor warrant in the word of God; and requiring, under pain of excommunication, all who now possessed that office, instantly to resign it, and to abstain from preaching or administering the sacraments, until they should receive permission from the general assembly. The court did not acquiesce in this decree. A vacancy happening soon after in the see of Glasgow, Montgomery, minister at Stirling, a man vain, fickle, presumptuous, and more apt, by the blemishes in his character, to have alienated the people from an order already beloved, than to reconcile them to one which was the object of their hatred, made an infamous simoniacal bargain with Lennox, and, on his recommendation, was chosen archbishop. The presbytery of Stirling, of which he was a member, the presbytery of Glasgow, whither he was to be translated, the general assembly, vied with each other in prosecuting him on that account. In order to screen Montgomery, James made trial both of gentle and of rigorous measures, and both were equally ineffectual. The general assembly was just ready to pronounce against him the sentence of excommunication, when an herald entered, and commanded them, in the king's name, and under pain of rebellion, to stop further proceedings. Even this injunction they despised; and though Montgomery, by his tears and seeming penitence, procured a short respite, the sentence was at last issued by their appointment, and published in all the churches throughout the kingdom. 1581. 1582.

The firmness of the clergy in a collective body was not greater than the boldness of some individuals, particularly of the ministers of Edinburgh. They inveigh-

1582. ed daily against the corruptions in the administration; and, with the freedom of speech admitted into the pulpit in that age, named Lennox and Arran as the chief authors of the grievances, under which the church and kingdom groaned. The courtiers, in their turn, complained to the king of the insolent and seditious spirit of the clergy. In order to check the boldness of their discourses, James issued a proclamation, commanding Dury, one of the most popular ministers, not only to leave the town, but to abstain from preaching in any other place. Dury complained to the judicatories of this encroachment upon the immunities of his office. They approved of the doctrine which he had delivered; and he determined to disregard the royal proclamation. But the magistrates being determined to compel him to leave the city, according to the king's orders, he was obliged to abandon his charge, after protesting publicly, at the cross of Edinburgh, against the violence which was put upon him. The people accompanied him to the gates with tears and lamentations; and the clergy denounced the vengeance of heaven against the authors of this outrage [t].

In this perilous situation stood the church, the authority of its judicatories called in question, and the liberty of the pulpit restrained, when a sudden revolution of the civil government procured them unexpected relief.

His favourites engage the king in unpopular measures.

The two favourites, by their ascendant over the king, possessed uncontrolled power in the kingdom, and exercised it with the utmost wantonness. James usually resided at Dalkeith, or Kinneil, the seats of Lennox and of Arran, and was attended by such company, and employed in such amusements, as did not suit his dignity. The services of those who had contributed most to place the crown on his head were but little remembered. Many who had opposed him with

[t] Cald. Assemb. 1576—1582. Spotsw. 277, etc.

the greatest virulence, enjoyed the rewards and honours to which the others were entitled. Exalted notions of regal prerogative, utterly inconsistent with the constitution of Scotland, being instilled by his favourites into the mind of the young monarch, unfortunately made, at that early age, a deep impression there, and became the source of almost all his subsequent errours in the government of both kingdoms[u]. Courts of justice were held in almost every county, the proprietors of land were called before them, and upon the slightest neglect of any of the numerous forms which are peculiar to the feudal holdings, they were fined with unusual and intolerable rigour. The lord chamberlain revived the obsolete jurisdiction of his office over the boroughs, and they were subjected to actions no less grievous. A design seemed likewise to have been formed to exasperate Elizabeth, and to dissolve the alliance with her, which all good protestants esteemed the chief security of their religion in Scotland. A close correspondence was carried on between the king and his mother, and considerable progress made towards uniting their titles to the crown, by such a treaty of association as Maitland had projected; which could not fail of endangering or diminishing his authority, and must have proved fatal to those who had acted against her with the greatest vigour[x]. 1582.

All these circumstances irritated the impatient spirit of the Scottish nobles, who resolved to tolerate no longer the insolence of the two minions, or to stand by, while their presumption and inexperience ruined both the king and the kingdom. Elizabeth, who, during the administration of the four regents, had the entire direction of the affairs of Scotland, felt herself deprived of all influence in that kingdom ever since the death of Morton, and was ready to countenance any attempt to rescue the king out of the hands of fa- The nobles conspire against them.

[u] Cald. iii. 157. [x] Id. ibid. 357.

1582. vourites who were leading him into measures so repugnant to all her views. The earls of Mar and Glencairn, lord Ruthven, lately created earl of Gowrie, lord Lindsay, lord Boyd, the tutor of Glamis, the eldest son of lord Oliphant, with several barons and gentlemen of distinction, entered into a combination for that purpose; and as changes in administration, which, among polished nations, are brought about slowly and silently, by artifice and intrigue, were in that rude age effected suddenly and by violence, the king's situation, and the security of the favourites, encouraged the conspirators to have immediate recourse to force.

Seize the king's person at Ruthven.

James, after having resided for some time in Athol, where he enjoyed his favourite amusement of hunting, was now returning towards Edinburgh with a small train. He was invited to Ruthven castle, which lay in his way; and as he suspected no danger, he went

Aug. 12. thither in hopes of farther sport. The multitude of strangers whom he found there gave him some uneasiness; and as those who were in the secret arrived every moment from different parts, the appearance of so many new faces increased his fears. He concealed his uneasiness, however, with the utmost care; and next morning prepared for the field, expecting to find there some opportunity of making his escape. But just as he was ready to depart, the nobles entered his bedchamber in a body, and presented a memorial against the illegal and oppressive actions of his two favourites, whom they represented as most dangerous enemies to the religion and liberties of the nation. James, though he received this remonstrance with the complaisance which was necessary in his present situation, was extremely impatient to be gone; but as he approached the door of his apartment, the tutor of Glamis rudely stopped him. The king complained, expostulated, threatened, and, finding all these without effect, burst into tears: "No matter," said Glamis, fiercely, "better children weep than bearded men." These words made

a deep impression on the king's mind, and were never forgotten. The conspirators, without regarding his tears or indignation, dismissed such of his followers as they suspected; allowed none but persons of their own party to have access to him; and, though they treated him with great respect, guarded his person with the utmost care. This enterprise is usually called, by our historians, 'The raid of Ruthven[y].' 1582.

Commit Arran to prison.

Lennox and Arran were astonished to the last degree at an event so unexpected, and so fatal to their power. The former endeavoured, but without success, to excite the inhabitants of Edinburgh to take arms in order to rescue their sovereign from captivity. The latter, with his usual impetuosity, mounted on horseback the moment he heard what had befallen the king, and with a few followers rode towards Ruthven castle; and as a considerable body of the conspirators, under the command of the earl of Mar, lay in his way ready to oppose him, he separated himself from his companions, and with two attendants arrived at the gate of the castle. At the sight of a man so odious to his country, the indignation of the conspirators rose, and instant death must have been the punishment of his rashness, if the friendship of Gowrie, or some other cause not explained by our historians, had not saved a life so pernicious to the kingdom. He was confined, however, to the castle of Stirling, without being admitted into the king's presence.

Command Lennox to leave the kingdom.

The king, though really the prisoner of his own subjects, with whose conduct he could not help discovering many symptoms of disgust, was obliged to publish a proclamation, signifying his approbation of their enterprise, declaring that he was at full liberty, without any restraint or violence offered to his person; and forbidding any attempt against those concerned in the 'raid of Ruthven,' under pretence of rescuing him

[y] Cald. iii. 134. Spotsw. 320. Melv. 357.

1582. out of their hands. At the same time, he commanded
Aug. 28. Lennox to leave Scotland before the twentieth of September[z].

The conspirators countenanced by Elizabeth.

Soon after, sir George Carey and Robert Bowes arrived as ambassadors from Elizabeth. The pretext of their embassy was to inquire after the king's safety; to encourage and countenance the conspirators was the real motive of it. By their intercession, the earl of Angus, who, ever since the death of his uncle Morton, had lived in exile, obtained leave to return. And the accession of a nobleman so powerful and so popular strengthened the faction[a].

Lennox, whose amiable and gentle qualities had procured him many friends, and who received private assurances that the king's favour towards him was in no degree abated, seemed resolved, at first, to pay no regard to a command extorted by violence, and no less disagreeable to James, than it was rigorous with regard to himself. But the power of his enemies, who were masters of the king's person, who were secretly supported by Elizabeth, and openly applauded by the clergy, deterred him from any enterprise, the success of which was dubious, and the danger certain, both to himself and to his sovereign. He put off the time of his departure, however, by various artifices, in expectation either that James might make his escape from the conspirators, or that fortune might present some more favourable opportunity of taking arms for his relief.

Their conduct approved by an assembly and a convention of estates.

On the other hand, the conspirators were extremely solicitous not only to secure the approbation of their countrymen, but to obtain some legal sanction of their enterprise. For this purpose they published a long declaration, containing the motives which had induced them to venture on such an irregular step, and endeavoured to heighten the public indignation against the favourites, by representing, in the strongest colours,

[z] Cald. iii. 135. 138. [a] Id. ibid. 152.

their inexperience and insolence, their contempt of the nobles, their violation of the privileges of the church, and their oppression of the people. They obliged the king, who could not with safety refuse any of their demands, to grant them a remission in the most ample form; and, not satisfied with that, they applied to the assembly of the church, and easily procured an act, declaring, "that they had done good and acceptable service to God, to their sovereign, and to their native country;" and requiring all sincere protestants to concur with them in carrying forward such a laudable enterprise. In order to add the greater weight to this act, every minister was enjoined to read it in his own pulpit, and to inflict the censures of the church on those who set themselves in opposition to so good a cause. A convention of estates assembled a few days after, passed an act to the same effect, and granted full indemnity to the conspirators for every thing they had done[b]. 1582. October 3.

James was conducted by them, first to Stirling, and afterwards to the palace of Holyrood house; and though he was received every where with the external marks of respect due to his dignity, his motions were carefully observed, and he was under a restraint no less strict than at the first moment when he was seized by the conspirators. Lennox, after eluding many commands to depart out of the kingdom, was at last obliged to begin his journey. He lingered, however, for some time in the neighbourhood of Edinburgh, as if he had still intended to make some effort towards restoring the king to liberty. But either from the gentleness of his own disposition, averse to bloodshed and the disorders of civil war, or from some other cause unknown to us, he abandoned the design, and set out for France, by the way of England. The king issued the order for his departure with no less reluctance than the duke Lennox's departure from Scotland. Dec. 30.

[b] Cald. iii. 177. 187. 200. Spotsw. 322.

1582. obeyed it; and both mourned a separation, which neither of them had power to prevent. Soon after his arrival in France, the fatigue of the journey, or the anguish of his mind, threw him into a fever. In his last moments he discovered such a firm adherence to the protestant faith, as fully vindicates his memory from the imputation of an attachment to popery, with which he had been uncharitably loaded in Scotland[c]. As he was the earliest, and best beloved, he was, perhaps, the most deserving, though not the most able, of all James's favourites. The warmth and tenderness of his master's affection for him were not abated by death itself. By many acts of kindness and generosity towards his posterity, the king not only did great honour to the memory of Lennox, but set his own character in one of its most favourable points of view.

Mary's anxiety about her son.

The success of the conspiracy which deprived James of liberty made great noise over all Europe, and at last reached the ears of Mary in the prison to which she was confined. As her own experience had taught her what injuries a captive prince is exposed to suffer; and as many of those who were now concerned in the enterprise against her son, were the same persons whom she considered as the chief authors of her own misfortunes, it was natural for the tenderness of a mother to apprehend that the same calamities were ready to fall on his head; and such a prospect did not fail of adding to the distress and horrour of her own situation. In the anguish of her heart, she wrote to Elizabeth, complaining in the bitterest terms of the unprecedented rigour with which she herself had been treated, and beseeching her not to abandon her son to the mercy of his rebellious subjects; nor permit him to be involved in the same misfortunes under which she had so long groaned. The peculiar vigour and acrimony of style, for which this letter is remarkable, discovered both the

[c] Spotsw. 324. Cald. iii. 172.

high spirit of the Scottish queen, unsubdued by her sufferings, and the violence of her indignation at Elizabeth's artifices and severity. But it was ill adapted to gain the end which she had in view, and accordingly it neither procured any mitigation of the rigour of her own confinement, nor any interposition in favour of the king[d]. 1582.

Henry the third, who, though he feared and hated the princes of Guise, was often obliged to court their favour, interposed with warmth, in order to extricate James out of the hands of a party so entirely devoted to the English interest. He commanded monsieur de la Motte Fénélon, his ambassador at the court of England, to repair to Edinburgh, and to contribute his utmost endeavours towards placing James in a situation more suitable to his dignity. As Elizabeth could not, with decency, refuse him liberty to execute his commission, she appointed Davison to attend him into Scotland as her envoy, under colour of concurring with him in the negotiation, but in reality to be a spy upon his motions, and to obstruct his success. James, whose title to the crown had not hitherto been recognised by any of the princes on the continent, was extremely fond of such an honourable embassy from the French monarch; and on that account, as well as for the sake of the errand on which he came, received Fénélon with great respect. The nobles, in whose power the king was, did not relish this interposition of the French court, which had long lost its ancient influence over the affairs of Scotland. The clergy were alarmed at the danger to which religion would be exposed, if the princes of Guise should recover any ascendant over the public councils. Though the king tried every method for restraining them within the bounds of decency, they declaimed against the court of France, against the princes of Guise, against the am- 1583. Ambassadors arrive from France and England. Jan. 7.

[d] Camd. 489.

1583. bassador, against entering into any alliance with such notorious persecutors of the church of God, with a vehemence which no regular government would now tolerate, but which was then extremely common. The ambassador, watched by Davison, distrusted by the nobles, and exposed to the insults of the clergy and of the people, returned into England without procuring any change in the king's situation, or receiving any answer to a proposal which he made, that the government should be carried on in the joint names of James and the queen his mother[e].

James escapes out of the hands of the conspirators.

Meanwhile, James, though he dissembled with great art, became every day more uneasy under his confinement; his uneasiness rendered him continually attentive to find out a proper opportunity for making his escape; and to this attention he at last owed his liberty, which the king of France was not able, nor the queen of England willing, to procure for him. As the conspirators had forced Lennox out of the kingdom, and kept Arran at a distance from court, they grew secure; and imagining that time had reconciled the king to them, and to his situation, they watched him with little care. Some occasions of discord had arisen among themselves; and the French ambassador, by fomenting these, during the time of his residence in Scotland, had weakened the union, in which alone their safety consisted[f]. Colonel William Stewart, the commander of the band of gentlemen who guarded the king's person, being gained by James, had the principal merit in the

June 27. scheme for restoring his master to liberty. Under pretence of paying a visit to the earl of March, his grand-uncle, James was permitted to go from Falkland to St. Andrew's. That he might not create any suspicion, he lodged at first in an open defenceless house in the town; but pretending a curiosity to see the castle, no

[e] Cald. iii. 207. Spotsw. 324. Murdin, 372, etc. See Appendix, No. XLII.

[f] Camd. 432.

sooner was he entered with some of his attendants whom he could trust, than colonel Stewart commanded the gates to be shut, and excluded all the rest of his train. Next morning the earls of Argyll, Huntly, Crawford, Montrose, Rothes, with others to whom the secret had been communicated, entered the town with their followers; and though Mar, with several of the leaders of the faction, appeared in arms, they found themselves so far outnumbered, that it was in vain to think of recovering possession of the king's person, which had been in their power somewhat longer than ten months. James was naturally of so soft and ductile a temper, that those who were near his person commonly made a deep impression on his heart, which was formed to be under the sway of favourites. As he remained implacable and unreconciled to the conspirators during so long a time, and at a period of life when resentments are rather violent than lasting, they must either have improved the opportunities of insinuating themselves into favour with little dexterity, or the indignation, with which this first insult to his person and authority filled him, must have been very great. 1583.

His joy at his escape was youthful and excessive. He resolved, however, by the advice of sir James Melvil, and his wisest counsellors, to act with the utmost moderation. Having called into his presence the leaders of both factions, the neighbouring gentry, the deputies of the adjacent boroughs, the ministers and the heads of colleges, he declared, that although he had been held under restraint for some time by violence, he would not impute that as a crime to any man, but, without remembering the irregularities which had been so frequent during his minority, would pass a general act of oblivion, and govern all his subjects with undistinguishing and equal affection. As an evidence of his sincerity, he visited the earl of Gowrie, at Ruthven castle, and granted him a full pardon of any guilt he Resolves, however, to treat them with moderation:

1583. had contracted by the crime committed in that very place[g].

but Arran regains his ascendant over him;

But James did not adhere long to this prudent and moderate plan. His former favourite, the earl of Arran, had been permitted for some time to reside at Kinneil, one of his country seats. As soon as the king felt himself at liberty, his love for him began to revive, and he expressed a strong desire to see him. The courtiers violently opposed the return of a minion, whose insolent and overbearing temper they dreaded, as much as the nation detested his crimes. James, however, continued his importunity, and promising that he should continue with him no longer than one day, they were obliged to yield. This interview rekindled ancient affection; the king forgot his promise; Arran regained his ascendant over him; and within a few days resumed the exercise of power, with all the arrogance of an undeserving favourite, and all the rashness peculiar to himself[h].

and the king pursues another plan.

The first effect of his influence was a proclamation with regard to those concerned in the 'raid of Ruthven.' They were required to acknowledge their crime in the humblest manner; and the king promised to grant them a full pardon, provided their future conduct were such as did not oblige him to remember past miscarriages. The tenour of this proclamation was extremely different from the act of oblivion which the conspirators had been encouraged to expect. Nor did any of them reckon it safe to rely on a promise clogged with such an equivocal condition, and granted by a young prince under the dominion of a minister void of faith, regardless of decency, and transported by the desire of revenge even beyond the usual ferocity of his temper. Many of the leaders, who had at first appeared openly at court, retired to their own houses; and, foreseeing the dangerous storm which was gather-

[g] Melv. 272. [h] Ibid. 274.

ing, began to look out for a retreat in foreign countries[i]. 1583.

Elizabeth's solicitations in behalf of the conspirators. August 7.

Elizabeth, who had all along protected the conspirators, was extremely disgusted with measures which tended so visibly to their destruction, and wrote to the king a harsh and haughty letter, reproaching him, in a style very uncommon among princes, with breach of faith in recalling Arran to court, and with imprudence in proceeding so rigorously against his best and most faithful subjects. James, with a becoming dignity, replied, that promises extorted by violence, and conditions yielded out of fear, were no longer binding when these were removed; that it belonged to him alone to choose what ministers he would employ in his service; and that though he resolved to treat the conspirators at Ruthven with the utmost clemency, it was necessary, for the support of his authority, that such an insult on his person should not pass altogether uncensured[k].

Sept. 1. Walsingham's embassy into Scotland.

Elizabeth's letter was quickly followed by Walsingham her secretary, whom she appointed her ambassador to James, and who appeared at the Scottish court with a splendour and magnificence well calculated to please and dazzle a young prince. Walsingham was admitted to several conferences with James himself, in which he insisted on the same topics contained in the letter, and the king repeated his former answers.

After suffering several indignities from the arrogance of Arran and his creatures, he returned to England, without concluding any new treaty with the king. Walsingham was, next to Burleigh, the minister on whom the chief weight of the English administration rested; and when a person of his rank stept so far out of the ordinary road of business, as to undertake a long journey in his old age, and under a declining state of health, some affair of consequence was supposed to be

[i] Melv. 278. Spotsw. 326. Cald. iii. 330. [k] Melv. 279.

1583. the cause, or some important event was expected to be the effect, of this measure. But as nothing conspicuous either occasioned or followed this embassy, it is probable that Elizabeth had no other intention in employing this sagacious minister, than to discover, with exactness, the capacity and disposition of the Scottish king, who was now arrived at a time of life when, with some degree of certainty, conjectures might be formed concerning his character and future conduct. As James possessed talents of that kind which make a better figure in conversation than in action, he gained a great deal by this interview with the English secretary, who, notwithstanding the cold reception which he met with, gave such an advantageous representation of his abilities, as determined Elizabeth to treat him, henceforward, with greater decency and respect[1].

Elizabeth's eagerness to protect the conspirators rendered James more violent in his proceedings against them. As they had all refused to accept of pardon upon the terms which he had offered, they were required, by a new proclamation, to surrender themselves prisoners. The earl of Angus alone complied; the rest either fled into England, or obtained the king's
Dec. 17. license to retire into foreign parts. A convention of estates was held, the members of which, deceived by an unworthy artifice of Arran's, declared those concerned in the 'raid of Ruthven' to have been guilty of high treason; appointed the act passed last year approving of their conduct to be expunged out of the records; and engaged to support the king in prosecuting the fugitives with the utmost rigour of law.

The conspirators, though far from having done any thing that was uncommon in that age, among mutinous nobles, and under an unsettled state of government, must be acknowledged to have been guilty of an act of treason against their sovereign; and James, who con-

[1] Melv. 293. Cald. iii. 258. Jebb, ii. 536.

sidered their conduct in this light, had good reason to boast of his clemency, when he offered to pardon them upon their confessing their crime. But, on the other hand, it must be allowed that, after the king's voluntary promise of a general oblivion, they had some reason to complain of breach of faith, and, without the most unpardonable imprudence, could not have put their lives in Arran's power. 1583.

The interest of the church was considerably affected by these contrary revolutions. While the conspirators kept possession of power, the clergy not only recovered, but extended, their privileges. As they had formerly declared the hierarchy to be unlawful, they took some bold measures towards exterminating the episcopal order out of the church; and it was owing more to Adamson's dexterity in perplexing and lengthening out the process for that purpose, than to their own want of zeal, that they did not deprive, and perhaps excommunicate, all the bishops in Scotland. When the king recovered his liberty, things put on a very different aspect. The favour bestowed upon Arran, the enemy of every thing decent and sacred, and the rigorous prosecution of those nobles who had been the most zealous defenders of the protestant cause, were considered as sure presages of the approaching ruin of the church. The clergy could not conceal their apprehensions, nor view this impending danger in silence. Drury, who had been restored to his office as one of the ministers of Edinburgh, openly applauded the 'raid of Ruthven' in the pulpit; at which the king was so enraged, that, notwithstanding some symptoms of his submission, he commanded him to resign his charge in the city. Mr. Andrew Melvil, being summoned before the privy council to answer for the doctrine which he had uttered in a sermon at St. Andrew's, and accused of comparing the present grievances of the nation with those under James the third, and of intimating obliquely that they ought to be re- 1584. The clergy favour the conspirators, and irritate the king.

1584. dressed in the same manner, thought it incumbent on him to behave with great firmness. He declined the jurisdiction of a civil court, in a cause which he maintained to be purely ecclesiastical; the presbytery, of which he was a member, had, as he contended, the sole right to call him to account, for words spoken in the pulpit; and neither the king nor council could judge, in the first instance, of the doctrine delivered by preachers, without violating the immunities of the church. This exemption from civil jurisdiction was a privilege which the popish ecclesiastics, admirable judges of whatever contributed to increase the lustre or power of their body, had long struggled for, and had at last obtained. If the same plea had now been admitted, the protestant clergy would have become independent on the civil magistrate; and an order of men extremely useful to society, while they inculcate those duties which tend to promote its happiness and tranquillity, might have become no less pernicious, by teaching, without fear or control, the most dangerous principles, or by exciting their hearers to the most desperate and lawless actions. The king, jealous to excess of his prerogative, was alarmed at this daring encroachment on it; and as Melvil, by his learning and zeal, had acquired the reputation and authority of head of the party, he resolved to punish him with the rigour which that preeminence rendered necessary, and to discourage, by a timely severity, the revival of such a dangerous claim. Melvil, however, avoided his rage, by flying into England; and the pulpits resounded with complaints that the king had extinguished the light of learning in the kingdom, and deprived the church of the ablest and most faithful guardian of its liberties and discipline [m].

These violent declamations of the clergy against the measures of the court were extremely acceptable to the

[m] Spotsw. 330. Cald. iii. 304.

people. The conspirators, though driven out of the kingdom, still possessed great influence there; and as they had every thing to fear from the resentment of a young prince, irritated by the furious counsels of Arran, they never ceased soliciting their adherents to take arms in their defence. Gowrie, the only person among them who had submitted to the king, and accepted of a pardon, soon repented of a step which lost him the esteem of one party, without gaining the confidence of the other; and, after suffering many mortifications from the king's neglect and the haughtiness of Arran, he was at last commanded to leave Scotland, and to reside in France. While he waited at Dundee for an opportunity to embark, he was informed that the earls of Angus, Mar, and the tutor of Glamis, had concerted a scheme for surprising the castle of Stirling. In his situation, little persuasion was necessary to draw him to engage in it. Under various pretexts he put off his voyage, and lay ready to take arms on the day fixed by the conspirators for the execution of their enterprise. His lingering so long at Dundee, without any apparent reason, awakened the suspicion of the court, proved fatal to himself, and disappointed the success of the conspiracy. Colonel William Stewart surrounded the house where he lodged with a body of soldiers, and, in spite of his resistance, took him prisoner. Two days after, Angus, Mar, and Glamis seized the castle of Stirling, and, erecting their standard there, published a manifesto, declaring that they took arms for no other reason but to remove from the king's presence a minion who had acquired power by the most unworthy actions, and who exercised it with the most intolerable insolence. The account of Gowrie's imprisonment struck a damp upon their spirits. They imputed it to treachery on his part, and suspected, that as he had formerly deserted, he had now betrayed them. At the same time Elizabeth having neglected to supply them in good time with a sum

1584.

1584. of money, which she had promised to them, and their friends and vassals coming in slowly, they appeared irresolute and disheartened; and as the king, who acted with great vigour, advanced towards them, at the head of twenty thousand men, they fled precipitately towards England, and with difficulty made their escape[n]. This rash and feeble attempt produced such effects as usually follow disappointed conspiracies. It not only hurt the cause for which it was undertaken, but added strength and reputation to the king; confirmed Arran's power; and enabled them to pursue their measures with more boldness and greater success. Gowrie was the first victim of their resentment. After a very informal trial, a jury of peers found him guilty of treason, and he was publicly beheaded at Stirling.

May 22. A parliament held.

To humble the church was the king's next step. But as it became necessary, for this purpose, to call in the aid of the legislative authority, a parliament was hastily summoned: and while so many of the nobles were banished out of the kingdom, or forbidden to appear in the king's presence; while Arran's haughtiness kept some at a distance, and intimidated others; the meeting consisted only of such as were absolutely at the devotion of the court. In order to conceal the laws which were framing from the knowledge of the clergy, the lords of the articles were sworn to secrecy; and when some of the ministers, who either suspected or were informed of the danger, deputed one of their number to declare their apprehensions to the king, he was seized at the palace-gate, and carried to a distant prison. Others, attempting to enter the parliament-house, were refused admittance[o]; and such laws were passed, as totally overturned the constitution and discipline of the church. The refusing to acknowledge the jurisdiction of the privy council; the pretending an

Severe laws against the church.

[n] Home's Hist. of House of Dougl. 376. Spotsw. 330. Calderw. iii. 324, etc.

[o] Cald. iii. 365.

exemption from the authority of the civil courts; the attempting to diminish the rights and privileges of any of the three estates in parliament, were declared to be high treason. The holding assemblies, whether civil or ecclesiastical, without the king's permission or appointment; the uttering, either privately or publicly, in sermons or in declamations, any false and scandalous reports against the king, his ancestors, or ministers, were pronounced capital crimes[p]. 1584.

When these laws were published at the cross of Edinburgh, according to the ancient custom, Mr. Robert Pont, minister of St. Cuthbert's, and one of the lords of session, solemnly protested against them, in the name of his brethren, because they had been passed without the knowledge or consent of the church. Ever since the reformation, the pulpits and ecclesiastical judicatories had both been esteemed sacred. In the former, the clergy had been accustomed to censure and admonish with unbounded liberty. In the latter, they exercised an uncontrolled and independent jurisdiction. The blow was now aimed at both these privileges. These new statutes were calculated to render churchmen as inconsiderable as they were indigent; and as the avarice of the nobles had stripped them of the wealth, the king's ambition was about to deprive them of the power, which once belonged to their order. No wonder the alarm was universal, and the complaints loud. All the ministers of Edinburgh forsook their charge, and fled into England. The most eminent clergymen throughout the kingdom imitated their example. Desolation and astonishment appeared in every part of the Scottish church; the people bewailed the loss of pastors whom they esteemed; and, full of consternation at an event so unexpected, openly expressed their rage against Arran, and began to suspect the king himself to be an enemy to the reformed religion[q].

[p] Parl. 8. Jac. VI.

[q] Spotsw. 333.

THE

HISTORY OF SCOTLAND.

THE SEVENTH BOOK.

1584. WHILE Scotland was torn by intestine factions, Elizabeth was alarmed with the rumour of a project in agitation for setting Mary at liberty. Francis Throkmorton, a Cheshire gentleman, was suspected of being deeply concerned in the design, and on that suspicion he was taken into custody. Among his papers were found two lists, one of the principal harbours in the kingdom, with an account of their situation, and of the depth of water in each; the other, of all the eminent Roman catholics in England. This circumstance confirmed the suspicion against him, and some dark and desperate conspiracy was supposed just ready to break out. At first he boldly avowed his innocence, and declared that the two papers were forged by the queen's ministers, in order to intimidate or ensnare him; and he even endured the rack with the utmost fortitude. But being brought a second time to the place of torture, his resolution failed him, and he not only acknowledged that he had held a secret correspondence with the queen of Scots, but discovered a design that was formed to invade England. The duke of Guise, he said, undertook to furnish troops, and to conduct the enterprise. The pope and king of Spain were to supply the money necessary for carrying it on; all the English exiles were ready to take arms; many of the catholics at home would be ready to join them at their landing; Mendoza, the Spanish ambassador, who was

Throkmorton's conspiracy against Elizabeth.

the life of the conspiracy, spared no pains in fomenting the spirit of disaffection among the English, or in hastening the preparations on the continent; and by his command, he made the two lists, the copies whereof had been found in his possession. This confession he retracted at his trial; returned to it again after sentence was passed on him; and retracted it once more at the place of execution[a]. 1584.

To us in the present age, who are assisted in forming our opinion of this matter by the light which time and history have thrown upon the designs and characters of the princes of Guise, many circumstances of Throkmorton's confession appear to be extremely remote from truth, or even from probability. The duke of Guise was, at that juncture, far from being in a situation to undertake foreign conquests. Without either power or office at court; hated by the king, and persecuted by the favourites; he had no leisure for any thoughts of disturbing the quiet of neighbouring states; his vast and ambitious mind was wholly occupied in laying the foundation of that famous league which shook the throne of France. But at the time when Elizabeth detected this conspiracy, the close union between the house of Guise and Philip was remarkable to all Europe; and as their great enterprise against Henry the third was not yet disclosed, as they endeavoured to conceal that under their threatenings to invade England, Throkmorton's discovery appeared to be extremely probable; and Elizabeth, who knew how ardently all the parties mentioned by him wished her downfal, thought that she could not guard her kingdom with too much care. The indiscreet zeal of the English exiles increased her fears. Not satisfied with incessant outcries against her severity towards the Scottish queen, and her cruel persecution of her catholic subjects, not thinking it enough that one pope

Designs of Mary's adherents against Elizabeth.

[a] Hollingshed, 1370.

1584. had threatened her with the sentence of excommunication, and another had actually pronounced it, they now began to disperse books and writings, in which they endeavoured to persuade their disciples, that it would be a meritorious action to take away her life; they openly exhorted the maids of honour to treat her as Judith did Holofernes, and, by such an illustrious deed, to render their own names honourable and sacred in the church throughout all future ages[b]. For all these reasons, Elizabeth not only inflicted the punishment of a traitor on Throkmorton, but commanded the Spanish ambassador instantly to leave England; and that she might be in no danger of being attacked within the island, she determined to use her utmost efforts in order to recover that influence over the Scottish councils, which she had for some time entirely lost.

She endeavours to re-establish her influence in Scotland by gaining Arran.

There were three different methods by which Elizabeth might hope to accomplish this; either by furnishing such effectual aid to the banished nobles, as would enable them to resume the chief direction of affairs; or by entering into such a treaty with Mary, as might intimidate her son, who, being now accustomed to govern, would not be averse from agreeing to any terms rather than resign the sceptre, or admit an associate in the throne; or by gaining the earl of Arran, to secure the direction of the king his master. The last was not only the easiest and speediest, but most likely to be successful. This Elizabeth resolved to pursue; but without laying the other two altogether aside. With this view she sent Davison, one of her principal secretaries, a man of abilities and address, into Scotland. A minister so venal as Arran, hated by his own countrymen, and holding his power by the most precarious of all tenures, the favour of a young prince, accepted Elizabeth's offers without hesitation,

[b] Camd. 497.

and deemed the acquisition of her protection to be the most solid foundation of his own greatness. Soon after he consented to an interview with lord Hunsdon, the governor of Berwick, and being honoured with the pompous title of lieutenant general for the king, he appeared at the place appointed with a splendid train. In Hunsdon's presence he renewed his promises of an inviolable and faithful attachment to the English interest, and assured him that James should enter into no negotiation which might tend to interrupt the peace between the two kingdoms; and as Elizabeth began to entertain the same fears and jealousies concerning the king's marriage, which had formerly disquieted her with regard to his mother's, he undertook to prevent James from listening to any overture of that kind, until he had previously obtained the queen of England's consent [c]. 1584. August 13.

Severe proceedings against the banished lords;

The banished lords and their adherents soon felt the effects of Arran's friendship with England. As Elizabeth had permitted them to take refuge in her dominions, and several of her ministers were of opinion that she ought to employ her arms in defence of their cause, the fear of this was the only thing which restrained James and his favourite from proceeding to such extremities against them, as might have excited the pity or indignation of the English, and have prompted them to exert themselves with vigour in their behalf. But every apprehension of this kind being now removed, they ventured to call a parliament, in which an act was passed, attainting Angus, Mar, Glamis, and a great number of their followers. Their estates devolved to the crown; and according to the practice of the Scottish monarchs, who were obliged to reward the faction which adhered to them, by dividing with it the spoils of the vanquished, James dealt out the greater part of these to Arran and his associates [d]. August 22.

[c] Cald. iii. 491. Melv. 315. See Appendix, No. XLIII.

[d] Cald. iii. 527.

1584. Nor was the treatment of the clergy less rigorous.

against the clergy. All ministers, readers, and professors in colleges, were enjoined to subscribe, within forty days, a paper testifying their approbation of the laws concerning the church enacted in last parliament. Many, overawed or corrupted by the court, yielded obedience; others stood out. The stipends of the latter were sequestered, some of the more active committed to prison, and numbers compelled to fly the kingdom. Such as complied, fell under the suspicion of acting from mercenary or ambitious motives. Such as adhered to their principles, and suffered in consequence of it, acquired a high reputation, by giving this convincing evidence of their firmness and sincerity. The judicatories of the church were almost entirely suppressed. In some places scarce as many ministers remained, as to perform the duties of religious worship; they soon sunk in reputation among the people; and being prohibited not only from discoursing of public affairs, but obliged, by the jealousy of the administration, to frame every sentiment and expression in such a manner as to give the court no offence, their sermons were deemed languid, insipid, and contemptible; and it became the general opinion, that, together with the most virtuous of the nobles and the most faithful of the clergy, the power and vigour of religion were now banished out of the kingdom[e].

Meanwhile, Elizabeth was carrying on one of those fruitless negotiations with the queen of Scots, which it had become almost matter of form to renew every year. They served not only to amuse that unhappy princess with some prospect of liberty, but furnished an apology for eluding the solicitations of foreign powers in her behalf; and were of use to overawe James, by showing him that she could at any time set free a dangerous rival to dispute his authority. These treaties she suf-

[e] Cald. iii. 589.

fered to proceed to what length she pleased, and never wanted a pretence for breaking them off, when they became no longer necessary. The treaty now on foot was not, perhaps, more sincere than many which preceded it; the reasons, however, which rendered it ineffectual were far from being frivolous. 1584.

As Crichton, a jesuit, was sailing from Flanders towards Scotland, the ship on board of which he was a passenger happened to be chased by pirates, who, in that age, often infested the narrow seas. Crichton, in great confusion, tore in pieces some papers in his custody, and threw them away; but, by a very extraordinary accident, the wind blew them back into the ship, and they were immediately taken up by some of the passengers, who carried them to Wade, the clerk of the privy council. He, with great industry and patience, joined them together, and they were found to contain the account of a plot, said to have been formed by the king of Spain and the duke of Guise, for invading England. The people were not yet recovered from the fear and anxiety occasioned by the conspiracy in which Throkmorton had been engaged; and as his discoveries appeared now to be confirmed by additional evidence, not only all their former apprehensions recurred, but the consternation became general and excessive. As all the dangers, with which England had been threatened for some years, flowed either immediately from Mary herself, or from such as made use of her name to justify their insurrections and conspiracies, this gradually diminished the compassion due to her situation, and the English, instead of pitying, began to fear and to hate her. Elizabeth, under whose wise and pacific reign the English enjoyed tranquillity, and had opened sources of wealth unknown to their ancestors, was extremely beloved by all her people; and regard to her safety, not less than to their own interest, animated them against the Scottish queen. In order to discourage her adherents, it was thought ne- New conspiracy against Elizabeth occasions an association in op-

1584. cessary to convince them, by some public deed, of the attachment of the English to their own sovereign, and that any attempt against her life would prove fatal to her rival. With this view an 'association' was framed, the subscribers of which bound themselves by the most solemn oaths, "to defend the queen against all her enemies, foreign and domestic; and if violence should be offered to her life, in order to favour the title of any pretender to the crown, they not only engaged never to allow or acknowledge the person or persons by whom, or for whom, such a detestable act should be committed, but vowed, in the presence of the eternal God, to prosecute such person or persons to the death, and to pursue them, with their utmost vengeance, to their utter overthrow and extirpation[f]." Persons of all ranks subscribed this combination with the greatest eagerness and unanimity[g].

position to Mary, October 19.

which greatly alarms her.

Mary considered this association, not only as an avowed design to exclude her from all right of succession, but as the certain and immediate forerunner of her destruction. In order to avert this, she made such feeble efforts as were still in her power, and sent Naué, her secretary, to court, with offers of more entire resignation to the will of Elizabeth, in every point, which had been the occasion of their long enmity, than all her sufferings hitherto had been able to extort[h]. But whether Mary adhered inflexibly to her privileges as an independent sovereign, or, yielding to the necessity of her situation, endeavoured, by concessions, to sooth her rival, she was equally unsuccessful. Her firmness was imputed to obstinacy, or to the secret hope of foreign assistance; her concessions were either believed to be insincere, or to flow from the fear of some imminent danger. Her present willingness, however, to comply with any terms was so great, that Walsingham warmly urged his mistress to come to a final

[f] State Trials, i. 122. [g] Camd. 409. [h] Idem. ibid.

agreement with her[i]. But Elizabeth was persuaded, 1584.
that it was the spirit raised by the association which had rendered her so passive and compliant. She always imagined that there was something mysterious and deceitful in all Mary's actions, and suspected her of carrying on a dangerous correspondence with the English catholics, both within and without the kingdom. Nor were her suspicions altogether void of foundation. Mary had, about this time, written a letter to sir Francis Inglefield, urging him to hasten the execution of what she calls the 'great plot or designment,' without hesitating on account of any danger in which it might involve her life, which she would most willingly part with, if, by that sacrifice, she could procure relief for so great a number of the oppressed children of the church[k]. Instead, therefore, of hearkening to the overtures which the Scottish queen made, or granting any mitigation of the hardships of which she complained, Elizabeth resolved to take her out of the hands of the earl of Shrewsbury, and to appoint sir Amias Paulet and sir Drue Drury to be her keepers. Shrewsbury had discharged his trust with great fidelity, during fifteen years, but, at the same time, had treated Mary with gentleness and respect, and had always sweetened harsh commands by the humanity with which he put them in execution. The same politeness was not to be expected from men of an inferior rank, whose severe vigilance, perhaps, was their chief recommendation to that employment, and the only merit by which they could pretend to gain favour or preferment[l].

She is treated with greater rigour.

As James was no less eager than ever to deprive the banished nobles of Elizabeth's protection, he appointed the master of Gray his ambassador to the court of England, and intrusted him with the conduct of a negotiation for that purpose. For this honour he was indebted

Gray, a new favourite of the king's.

[i] See Appendix, No. XLIV. [k] Strype, iii. 246. [l] Camd. 500.

1584. to the envy and jealousy of the earl of Arran. Gray possessed all the talents of a courtier; a graceful person, an insinuating address, boundless ambition, and a restless and intriguing spirit. During his residence in France, he had been admitted into the most intimate familiarity with the duke of Guise, and, in order to gain his favour, had renounced the protestant religion, and professed the utmost zeal for the captive queen, who carried on a secret correspondence with him, from which she expected great advantages. On his return into Scotland, he paid court to James with extraordinary assiduity, and his accomplishments did not fail to make their usual impression on the king's heart. Arran, who had introduced him, began quickly to dread his growing favour; and flattering himself, that absence would efface any sentiments of tenderness, which were forming in the mind of a young prince, pointed him out, by his malicious praises, as the most proper person in the kingdom for an embassy of such importance; and contributed to raise him to that high dignity, in order to hasten his fall. Elizabeth, who had an admirable dexterity in discovering the proper instruments for carrying on her designs, endeavoured, by caresses and by presents, to secure Gray to her interest. The former flattered his vanity, which was great; the latter supplied his profuseness, which was still greater. He abandoned himself without reserve to Elizabeth's direction, and not only undertook to retain the king under the influence of England, but acted as a spy upon the Scottish queen, and betrayed to her rival every secret that he could draw from her by his high pretensions of zeal in her service [m].

His interest with the court of England.

Gray's credit with the English court was extremely galling to the banished nobles. Elizabeth no longer thought of employing her power to restore them; she found it easier to govern Scotland by corrupting the

[m] Strype, iii. 302. Melv. 316.

king's favourites; and, in compliance with Gray's solicitations, she commanded the exiles to leave the north of England, and to remove into the heart of the kingdom. This rendered it difficult for them to hold any correspondence with their partisans in Scotland, and almost impossible to return thither without her permission. Gray, by gaining a point which James had so much at heart, riveted himself more firmly than ever in his favour; and, by acquiring greater reputation, became capable of serving Elizabeth with greater success [n]. 1584. Dec. 31.

Arran had now possessed for some time all the power, the riches, and the honours, that his immoderate ambition could desire, or the fondness of a prince, who set no limits to his liberality towards his favourites, could bestow. The office of lord chancellor, the highest and most important in the kingdom, was conferred upon him, even during the life of the earl of Argyll, who succeeded Athol in that dignity [o]; and the public beheld, with astonishment and indignation, a man educated as a soldier of fortune, ignorant of law, and a contemner of justice, appointed to preside in parliament, in the privy council, in the court of session, and intrusted with the supreme disposal of the property of his fellow-subjects. He was, at the same time, governor of the castles of Stirling and Edinburgh, the two principal forts in Scotland; provost of the city of Edinburgh; and as if by all these accumulated dignities his merits were not sufficiently recompensed, he had been created lieutenant general over the whole kingdom. No person was admitted into the king's presence without his permission; no favour could be obtained but by his mediation. James, occupied with youthful amusements, devolved upon him the whole regal authority. Such unmerited elevation increased his natural arrogance, and rendered it intolerable. He was no longer 1585. Arran's corruption and insolence.

[n] Cald. iii. 643. [o] Crawf. Offic. of State, Append. 447.

1585. content with the condition of a subject, but pretended to derive his pedigree from Murdo, duke of Albany; and boasted openly, that his title to the crown was preferable to that of the king himself. But, together with these thoughts of royalty, he retained the meanness suitable to his primitive indigence. His venality as a judge was scandalous, and was exceeded only by that of his wife, who, in defiance of decency, made herself a party in almost every suit which came to be decided, employed her influence to corrupt or overawe the judges, and almost openly dictated their decisions [p]. His rapaciousness as a minister was insatiable. Not satisfied with the revenues of so many offices; with the estate and honours which belonged to the family of Hamilton; or with the greater part of Gowrie's lands, which had fallen to his share; he grasped at the possessions of several of the nobles. He required lord Maxwell to exchange part of his estate, for the forfeited lands of Kinneil; and because he was unwilling to quit an ancient inheritance for a possession so precarious, he stirred up against him his hereditary rival, the laird of Johnston, and involved that corner of the kingdom in a civil war. He committed to prison the earl of Athol, lord Home, and the master of Cassils; the first, because he would not divorce his wife, the daughter of the earl of Gowrie, and entail his estate on him; the second, because he was unwilling to part with some lands adjacent to one of Arran's estates; and the third, for refusing to lend him money. His spies and informers filled the whole country, and intruded themselves into every company. The nearest neighbours distrusted and feared each other. All familiar society was at an end. Even the common intercourses of humanity were interrupted, no man knowing in whom to confide, or where to utter his complaints. There is not, perhaps, in history an example of a minister so

[p] Cald. iii. 331. Scotstarvet's Staggering State, 7.

universally detestable to a nation, or who more justly deserved its detestation[q]. 1585.

Arran, notwithstanding, regardless of the sentiments and despising the murmurs of the people, gave a loose to his natural temper, and proceeded to acts still more violent. David Home of Argaty, and Patrick his brother, having received letters from one of the banished lords, about private business, were condemned and put to death, for holding correspondence with rebels. Cunninghame of Drumwhasel, and Douglas of Mains, two gentlemen of honour and reputation, were accused of having conspired with the exiled nobles to seize the king's person. A single witness only appeared; the evidence they produced of their innocence was unanswerable; their accuser himself not long after acknowledged that he had been suborned by Arran; and all men believed the charge against them to be groundless: they were found guilty, notwithstanding, and suffered the death of traitors[r]. Feb. 9.

About the same time that these gentlemen were punished for a pretended conspiracy, Elizabeth's life was endangered by a real one. Parry, a doctor of laws, and a member of the house of commons, a man vain and fantastic, but of a resolute spirit, had lately been reconciled to the church of Rome; and, fraught with the zeal of a new convert, he offered to demonstrate the sincerity of his attachment to the religion which he had embraced, by killing Elizabeth. Cardinal Allen had published a book, to prove the murder of an excommunicated prince to be not only lawful, but a meritorious action. The pope's nuncio at Venice, the jesuits both there and at Paris, the English exiles, all approved of the design. The pope himself exhorted him to persevere; and granted him for his encouragement a plenary indulgence, and remission of his sins. Cardinal di Como wrote to him a letter to the same Parry's conspiracy against Elizabeth.

[q] Spotsw. 337, 338. [r] Ibid, 338. Cald. iii. 794.

1585. purpose; but though he often got access to the queen, fear, or some remaining sense of duty, restrained him from perpetrating the crime. Happily his intention was at last discovered by Nevil, the only person in England to whom he had communicated it; and having himself voluntarily confessed his guilt, he suffered the punishment which it deserved[s].

March 2.

A severe statute, which proved fatal to Mary.

These repeated conspiracies against their sovereign awakened the indignation of the English parliament, and produced a very extraordinary statute, which, in the end, proved fatal to the queen of Scots. By this law the association in defence of Elizabeth's life was ratified; and it was further enacted, "That if any rebellion shall be excited in the kingdom, or any thing attempted to the hurt of her majesty's person, 'by or for' any person pretending a title to the crown, the queen shall empower twenty-four persons, by a commission under the great seal, to examine into, and pass sentence upon, such offences; and after judgment given, a proclamation shall be issued, declaring the persons whom they find guilty, excluded from any right to the crown; and her majesty's subjects may lawfully pursue every one of them to the death, with all their aiders and abettors; and if any design against the life of the queen take effect, the persons 'by or for' whom such a detestable act is executed, and 'their issues,' being in any wise assenting or privy to the same, shall be disabled for ever from pretending to the crown, and be pursued to death in the like manner[t]." This act was plainly levelled at the queen of Scots; and, whether we consider it as a voluntary expression of the zeal and concern of the nation for Elizabeth's safety, or whether we impute it to the influence which that artful princess preserved over her parliaments, it is no easy matter to reconcile it with the general principles of justice or humanity. Mary was thereby rendered accountable

[s] State Trials, i. 103. [t] Ibid. i. 123.

not only for her own actions, but for those of others; in consequence of which, she might forfeit her right of succession, and even her life itself. 1585.

Mary justly considered this act as a warning to prepare for the worst extremities. Elizabeth's ministers, it is probable, had resolved by this time to take away her life; and suffered books to be published, in order to persuade the nation that this cruel and unprecedented measure was not only necessary, but just[u]. Even that short period of her days which remained, they rendered uncomfortable, by every hardship and indignity which it was in their power to inflict. Almost all her servants were dismissed, she was treated no longer with the respect due to a queen; and, though the rigour of seventeen years' imprisonment had broken her constitution, she was confined to two ruinous chambers, scarcely habitable, even in the middle of summer, by reason of cold. Notwithstanding the scantiness of her revenue, she had been accustomed to distribute regularly some alms among the poor in the village adjoining to the castle. Paulet now refused her liberty to perform this pious and humane office, which had afforded her great consolation amidst her own sufferings. The castle in which she resided was converted into a common prison; and a young man, suspected of popery, was confined there, and treated under her eye with such rigour, that he died of the ill usage. She often complained to Elizabeth of these multiplied injuries, and expostulated as became a woman and a queen; but as no political reason now obliged that princess to amuse her any longer with fallacious hopes, far from granting her any redress, she did not even deign to give her any answer. The king of France, closely allied to Elizabeth, on whom he depended for assistance against his rebellious subjects, was afraid of espousing Mary's cause with any warmth; and all his

The rigour, with which she was treated, increased.

[u] Strype, iii. 299.

1585. solicitations in her behalf were feeble, formal, and inefficacious. But Castelnau, the French ambassador, whose compassion and zeal for the unhappy queen supplied the defects in his instructions, remonstrated with such vigour against the indignities to which she was exposed, that, by his importunity, he prevailed at length to have her removed to Tuthbury; though she was confined the greater part of another winter in her present wretched habitation[x].

A breach between Mary and her son.

Neither the insults of her enemies, nor the neglect of her friends, made such an impression on Mary, as the ingratitude of her son. James had hitherto treated his mother with filial respect, and had even entered into negotiations with her, which gave umbrage to Elizabeth. But as it was not the interest of the English queen that his good correspondence should continue, Gray, who, on his return to Scotland, found his favour with the king greatly increased by the success of his embassy, persuaded him to write a harsh and undutiful letter to his mother, in which he expressly refused to acknowledge her to be queen of Scotland, or to consider his affairs as connected, in any wise, with hers. This cruel requital of her maternal tenderness

March 24. overwhelmed Mary with sorrow and despair. "Was it for this," said she, in a letter to the French ambassador, "that I have endured so much, in order to preserve for him the inheritance to which I have a just right? I am far from envying his authority in Scotland. I desire no power there; nor wish to set my foot in that kingdom, if it were not for the pleasure of once embracing a son, whom I have hitherto loved with too tender affection. Whatever he either enjoys or expects, he derived it from me. From him I never received assistance, supply, or benefit of any kind. Let not my allies treat him any longer as a king: he holds that dignity by my consent; and if a speedy repentance

[x] Jebb, vol. ii. 576—598.

do not appease my just resentment, I will load him with a parent's curse, and surrender my crown, with all my pretensions, to one who will receive them with gratitude, and defend them with vigour[y]." The love which James bore to his mother, whom he had never known, and whom he had been early taught to consider as one of the most abandoned persons of her sex, cannot be supposed ever to have been ardent; and he did not now take any pains to regain her favour. But whether her indignation at his undutiful behaviour, added to her bigoted attachment to popery, prompted Mary at any time to think seriously of disinheriting her son; or whether these threatenings were uttered in a sudden sally of disappointed affection, it is now no easy matter to determine. Some papers which are still extant seem to render the former not improbable[z]. 1585.

Cares of another kind, and no less disquieting, occupied Elizabeth's thoughts. The calm which she had long enjoyed, seemed now to be at an end; and such storms were gathering in every quarter, as filled her with just alarm. All the neighbouring nations had undergone revolutions extremely to her disadvantage. The great qualities which Henry the third had displayed in his youth, and which raised the expectations of his subjects so high, vanished on his ascending the throne; and his acquiring supreme power seems not only to have corrupted his heart, but to have impaired his understanding. He soon lost the esteem and affection of the nation; and a life divided between the austerities of a superstitious devotion, and the extravagancies of the most dissolute debauchery, rendered him as contemptible as he was odious on account of his rapaciousness, his profusion, and the fondness with which he doted on many unworthy minions. On the death of his only brother, those sentiments of the people burst out with violence. Henry had no children, Dangerous situation of Elizabeth;

[y] Murdin, 566. Jebb, ii. 571. See Appendix, No. XLV.

[z] See Appendix, No. XLVI.

1585. and though but thirty-two years of age, the succession of the crown was already considered as open. The king of Navarre, a distant descendant of the royal family, but the undoubted heir to the crown, was a zealous protestant. The prospect of an event so fatal to their religion, as his ascending the throne of France, alarmed all the catholics in Europe; and induced the duke of Guise, countenanced by the pope, and aided by the king of Spain, to appear as the defender of the Romish faith, and the asserter of the cardinal of Bourbon's right to the crown. In order to unite the party, a bond of confederacy was formed, distinguished by the name of the 'holy league.' All ranks of men joined in it with emulation. The spirit spread with the irresistible rapidity which was natural to religious passions in that age. The destruction of the reformation, not only in France, but all over Europe, seemed to be the object and wish of the whole party; and the duke of Guise, the head of this mighty and zealous body, acquired authority in the kingdom, far superior to that which the king himself possessed. Philip the second, by the conquest of Portugal, had greatly increased the naval power of Spain, and had at last reduced under his dominion all that portion of the continent which lies beyond the Pyrenean mountains, and which nature seems to have destined to form one great monarchy. William, prince of Orange, who first encouraged the inhabitants of the Netherlands to assert their liberties, and whose wisdom and valour formed and protected the rising commonwealth, had fallen by the hands of an assassin. The superior genius of the prince of Parma had given an entire turn to the fate of war in the Low Countries; all his enterprises, concerted with consummate skill, and executed with equal bravery, had been attended with success; and the Dutch, reduced to the last extremity, were on the point of falling under the dominion of their ancient master.

from the progress of the league;

from the power of Philip the second.

None of those circumstances, to which Elizabeth had

hitherto owed her security, existed any longer. She could derive no advantage from the jealousy which had subsisted between France and Spain; Philip, by means of his confederacy with the duke of Guise, had an equal sway in the councils of both kingdoms. The hugonots were unable to contend with the power of the league; and little could be expected from any diversion which they might create. Nor was it probable that the Netherlands could long employ the arms, or divide the strength, of Spain. In this situation of the affairs of Europe, it became necessary for Elizabeth to form a new plan of conduct; and her wisdom in forming it was not greater than the vigour with which she carried it on. The measures most suitable to her natural temper, and which she had hitherto pursued, were cautious and safe; those which she now adopted were enterprising and hazardous. She preferred peace, but was not afraid of war; and was capable, when compelled by necessity, not only of defending herself with spirit, but of attacking her enemies with a boldness which averted danger from her own dominions. She immediately furnished the hugonots with a considerable supply in money. She carried on a private negotiation with Henry the third, who, though compelled to join the league, hated the leaders of it, and wished for their destruction. She openly undertook the protection of the Dutch commonwealth, and sent a powerful army to its assistance. She endeavoured to form a general confederacy of the protestant princes, in opposition to the popish league. She determined to proceed with the utmost rigour against the queen of Scots, whose sufferings and rights afforded her enemies a specious pretence for invading her dominions. She resolved to redouble her endeavours, in order to effect a closer union with Scotland, and to extend and perpetuate her influence over the councils of that nation.

1585.

Her wise and vigorous conduct.

Resolves to punish Mary, and to gain the king.

She found it no difficult matter to induce most of

1585. the Scottish courtiers to promote all her designs. Gray, sir John Maitland, who had been advanced to the office of secretary, which his brother formerly held, sir Lewis Bellenden, the justice clerk, who had succeeded Gray as the king's resident at London, were the persons in whom she chiefly confided. In order
May 29. to direct and quicken their motions, she despatched sir Edward Wotton along with Bellenden into Scotland. This man was gay, well-bred, and entertaining; he excelled in all the exercises for which James had a passion, and amused the young king by relating the adventures which he had met with, and the observations he had made, during a long residence in foreign countries; but, under the veil of these superficial qualities, he concealed a dangerous and intriguing spirit. He soon grew into high favour with James; and, while he was seemingly attentive only to pleasure and diversions, he acquired influence over the public councils, to a degree which was indecent for a stranger to possess[a].

Proposes a league with Scotland. Nothing, however, could be more acceptable to the nation, than the proposal which he made of a strict alliance between the two kingdoms, in defence of the reformed religion. The rapid and alarming progress of the popish league seemed to call on all protestant princes to unite for the preservation of their common
July 29. faith. James embraced the overture with warmth, and a convention of estates empowered him to conclude such a treaty, and engaged to ratify it in parliament[b]. The alacrity with which James concurred in this measure must not be wholly ascribed either to his own zeal, or to Wotton's address; it was owing in part to Elizabeth's liberality. As a mark of her motherly affection for the young king, she settled on him an annual pension of five thousand pounds; the same sum which her father had allotted her, before she as-

[a] Melv. 317. [b] Spotsw. 339.

ceded the throne. This circumstance, which she took care to mention, rendered a sum, which in that age was far from being inconsiderable, a very acceptable present to the king, whose revenues, during a long minority, had been almost totally dissipated [c]. 1585.

But the chief object of Wotton's intrigues was to ruin Arran. While a minion so odious to the nation continued to govern the king, his assistance could be of little advantage to Elizabeth. And though Arran, ever since his interview with Hunsdon, had appeared extremely for her interest, she could place no great confidence in a man whose conduct was so capricious and irregular, and who, notwithstanding his protestations to the contrary, still continued a secret correspondence both with Mary and with the duke of Guise. The banished lords were attached to England from affection as well as principle, and were the only persons among the Scots whom, in any dangerous exigency, she could thoroughly trust. Before Bellenden left London, they had been summoned thither, under colour of vindicating themselves from his accusations, but, in reality, to concert with him the most proper measures for restoring them to their country. Wotton pursued this plan, and endeavoured to ripen it for execution; and it was greatly facilitated by an event neither uncommon nor considerable. Sir John Forster, and Ker of Ferniherst, the English and Scottish wardens of the middle marches, having met, according to the custom of the borders, about midsummer, a fray arose, and lord Russel, the earl of Bedford's eldest son, happened to be killed. This scuffle was purely accidental; but Elizabeth chose to consider it as a design formed by Ker, at the instigation of Arran, to involve the two kingdoms in war. She insisted that both should be delivered up to her; and though James eluded that demand, he was obliged to confine Arran in St. An- Undermines Arran's power.

[c] Cald. iii. 505.

1585. drew's, and Ker in Aberdeen. During his absence from court, Wotton and his associates carried on their intrigues without interruption. By their advice, the banished nobles endeavoured to accommodate their differences with lord John and lord Claud, the duke of Chatelherault's two sons, whom Morton's violence had driven out of the kingdom. Their common sufferings, and common interest, induced both parties to bury in oblivion the ancient discord which had subsisted between the houses of Hamilton and Douglas. By Elizabeth's permission, they returned in a body to the borders of Scotland. Arran, who had again recovered favour, insisted on putting the kingdom in a posture of defence; but Gray, Bellenden, and Maitland, secretly thwarted all his measures. Some necessary orders they prevented from being issued; others they rendered ineffectual by the manner of execution; and all of them were obeyed slowly, and with reluctance[d].

Assists the banished nobles. Oct. 16.

Wotton's fertile brain was, at the same time, big with another and more dangerous plot. He had contrived to seize the king, and to carry him by force into England. But the design was happily discovered; and, in order to avoid the punishment which his treachery merited, he departed without taking leave[e].

They return into Scotland, and are reconciled to the king.

Meanwhile, the banished lords hastened the execution of their enterprise; and, as their friends and vassals were now ready to join them, they entered Scotland. Wherever they came, they were welcomed as the deliverers of their country, and the most fervent prayers were addressed to heaven for the success of their arms. They advanced, without losing a moment, towards Stirling, at the head of ten thousand men. The king, though he had assembled an army superior in number, could not venture to meet them in the field,

[d] Spotsw. 340. [e] Melv. 335.

with troops whose loyalty was extremely dubious, and who, at best, were far from being hearty in the cause; nor was either the town or castle provided for a siege. The gates, however, of both were shut, and the nobles encamped at St. Ninian's. That same night they surprised the town, or, more probably, it was betrayed into their hands; and Arran, who had undertaken to defend it, was obliged to save himself by a precipitate flight. Next morning they invested the castle, in which there were not provisions for twenty-four hours; and James was necessitated immediately to hearken to terms of accommodation. They were not so elated with success, as to urge extravagant demands, nor was the king unwilling to make every reasonable concession. They obtained a pardon, in the most ample form, of all the offences which they had committed; the principal forts in the kingdom were, by way of security, put into their hands; Crawford, Montrose, and colonel Stewart, were removed from the king's presence; and a parliament was called, in order to establish tranquillity in the nation[f]. 1585. Nov. 2.

Though a great majority in this parliament consisted of the confederate nobles and their adherents, they were far from discovering a vindictive spirit. Satisfied with procuring an act, restoring them to their ancient honours and estates, and ratifying the pardon granted by the king, they seemed willing to forget all past errours in the administration, and spared James the mortification of seeing his ministers branded with any public note of infamy. Arran alone, deprived of all his honours, stripped of his borrowed spoils, and declared an enemy to his country by public proclamation, sunk back into obscurity, and must henceforth be mentioned by his primitive title of captain James Stewart. As he had been, during his unmerited prosperity, the object of the hatred and indignation of his countrymen, they A parliament. Dec. 10.

[f] Cald. iii. 795.

1585. beheld his fall without pity, nor did all his sufferings mitigate their resentment in the least degree.

Church affairs. The clergy were the only body of men who obtained no redress of their grievances by this revolution. The confederate nobles had all along affected to be considered as guardians of the privileges and discipline of the church. In all their manifestos they had declared their resolution to restore these, and by that popular pretence had gained many friends. It was now natural to expect some fruit of these promises, and some returns of gratitude towards many of the most eminent preachers who had suffered in their cause, and who demanded the repeal of the laws passed the preceding year. The king, however, was resolute to maintain these laws in full authority; and as the nobles were extremely solicitous not to disgust him, by insisting on any disagreeable request, the claims of the church in this, as well as in many other instances, were sacrificed to the interest of the laity. The ministers gave vent to their indignation in the pulpit, and their impatience under the disappointment broke out in some expressions extremely disrespectful even towards the king himself[g].

The archbishop of St. Andrew's, too, felt the effects of their anger. The provincial synod of Fife summoned him to appear, and to answer for his contempt of the decrees of former assemblies, in presuming to exercise the functions of a bishop. Though he refused to acknowledge the jurisdiction of the court, and appealed from it to the king, a sentence of excommunication, equally indecent and irregular, was pronounced against him. Adamson, with no less indecency, thundered his archiepiscopal excommunication against Melvil, and some other of his opponents.

April 13. Soon after, a general assembly was held, in which the king, with some difficulty, obtained an act, per-

[g] Spotsw. 343.

mitting the name and office of bishop still to continue in the church. The power of the order, however, was considerably retrenched. The exercise of discipline, and the inspection of the life and doctrine of the clergy, were committed to presbyteries, in which bishops should be allowed no other preeminence but that of presiding as perpetual moderators. They themselves were declared to be subject, in the same manner as other pastors, to the jurisdiction of the general assembly. As the discussion of the archbishop's appeal might have kindled unusual heats in the assembly, that affair was terminated by a compromise. He renounced any claim of supremacy over the church, and promised to demean himself suitably to the character of a bishop, as described by St. Paul. The assembly, without examining the foundations of the sentence of excommunication, declared that it should be held of no effect, and restored him to all the privileges which he enjoyed before it was pronounced. Notwithstanding the extraordinary tenderness shown for the honour of the synod, and the delicacy and respect with which its jurisdiction was treated, several members were so zealous as to protest against this decision[h]. 1586.

The court of Scotland was now filled with persons so warmly attached to Elizabeth, that the league between the two kingdoms, which had been proposed last year, met with no interruption, but from d'Esneval, the French envoy. James himself first offered to renew the negotiations. Elizabeth did not suffer such a favourable opportunity to slip, and instantly despatched Randolph to conclude a treaty, which she so much desired. The danger to which the protestant religion was exposed, by the late combination of the popish powers for its destruction, and the necessity of a strict confederacy among those who had embraced the reformation, in order to obstruct their pernicious designs, A league with England concluded. July 5.

[h] Cald. iii. 894. Spotsw. 346.

1586. were mentioned as the foundation of the league. The chief articles in it were, that both parties should bind themselves to defend the evangelical religion; that the league should be offensive and defensive against all who shall endeavour to disturb the exercise of religion in either kingdom; that if one of the two parties be invaded, the other, notwithstanding any former alliance, should not, directly or indirectly, assist the invader; that if England be invaded in any part remote from Scotland, James should assist the queen with two thousand horse and five thousand foot; that if the enemy landed or approached within sixty miles of Scotland, the king should take the field with his whole forces, in the same manner as he would do in defence of his own kingdom. Elizabeth, in return, undertook to act in defence of Scotland, if it should be invaded. At the same time she assured the king that no step should be taken, which might derogate in any degree from his pretensions to the English crown[i]. Elizabeth expressed great satisfaction with a treaty, which rendered Scotland an useful ally, instead of a dangerous neighbour, and afforded her a degree of security on that side, which all her ancestors had aimed at, but none of them had been able to obtain. Zeal for religion, together with the blessings of peace, which both kingdoms had enjoyed during a considerable period, had so far abated the violence of national antipathy, that the king's conduct was universally acceptable to his own people[k].

The acquittal of Archibald Douglas, at this time, exposed James to much and deserved censure. This man was deeply engaged in the conspiracy against the life of the king his father. Both Morton and Binny, one of his own servants, who suffered for that crime, had accused him of being present at the murder[l]. He

[i] Spotsw. 351.
[k] Camd. 513.
[l] See Appendix, No. XLVII. Arnot, Crim. Trials, 7, etc.

had escaped punishment by flying into England, and James had often required Elizabeth to deliver up a person so unworthy of her protection. He now obtained a license, from the king himself, to return into Scotland; and, after undergoing a mock trial, calculated to conceal rather than to detect his guilt, he was not only taken into favour by the king, but sent back to the court of England, with the honourable character of his ambassador. James was now of such an age, that his youth and inexperience cannot be pleaded in excuse for this indecent transaction. It must be imputed to the excessive facility of his temper, which often led him to gratify his courtiers at the expense of his own dignity and reputation [m]. 1586.

Not long after, the inconsiderate affection of the English catholics towards Mary, and their implacable resentment against Elizabeth, gave rise to a conspiracy which proved fatal to the one queen, left an indelible stain on the reputation of the other, and presented a spectacle to Europe, of which there had been hitherto no example in the history of mankind. Rise of Babington's conspiracy against Elizabeth.

Doctor Gifford, Gilbert Gifford, and Hodgson, priests educated in the seminary at Rheims, had adopted an extravagant and enthusiastic notion, that the bull of Pius the fifth, against Elizabeth, was dictated immediately by the Holy Ghost. This wild opinion they instilled into Savage, an officer in the Spanish army, noted for his furious zeal and daring courage; and persuaded him that no service could be so acceptable to heaven, as to take away the life of an excommunicated heretic. Savage, eager to obtain the crown of martyrdom, bound himself by a solemn vow to kill Elizabeth. Ballard, a pragmatical priest of that seminary, had at that time come over to Paris, and solicited Mendoza, the Spanish ambassador there, to procure an invasion of England, while the affairs of the league April 26.

[m] Spotsw. 348. Cald. iii. 917.

1586. were so prosperous, and the kingdom left naked, by sending so many of the queen's best troops into the Netherlands. Paget and the English exiles demonstrated the fruitlessness of such an attempt, unless Elizabeth were first cut off, or the invaders secured of a powerful concurrence on their landing. If it could be hoped that either of these events would happen, effectual aid was promised; and in the mean time Ballard was sent back to renew his intrigues.

May 15. He communicated his designs to Anthony Babington, a young gentleman in Derbyshire, of a large fortune and many amiable qualities, who having contracted, during his residence in France, a familiarity with the archbishop of Glasgow, had been recommended by him to the queen of Scots. He concurred with Paget, in considering the death of Elizabeth as a necessary preliminary to any invasion. Ballard gave him hopes that an end would soon be put to her days, and imparted to him Savage's vow, who was now in London waiting for an opportunity to strike the blow. But Babington thought the attempt of too much importance, to rely on a single hand for the execution of it, and proposed that five resolute gentlemen should be joined with Savage in an enterprise, the success of which was the foundation of all their hopes. He offered to find out persons willing to undertake the service, whose honour, secrecy, and courage, they might safely trust. He accordingly opened the matter to Edward Windsor, Thomas Salisbury, Charles Tinley, Chidioc Tichbourne, Robert Gage, John Travers, Robert Barnwell, John Charnock, Henry Dun, John Jones, and Robert Polly; all of them, except Polly, whose bustling forward zeal introduced him into their society, gentlemen of good families, united together in the bonds of private friendship, strengthened by the more powerful tie of religious zeal. Many consultations were held; their plan of operations was at last settled; and

June. their different parts assigned. Babington himself was

appointed to rescue the queen of Scots; Salisbury, with some others, undertook to excite several counties to take arms; the murder of the queen, the most dangerous and important service of all, fell to Tichbourne and Savage, with four associates. So totally had their bigoted prejudices extinguished the principles of honour, and the sentiments of humanity suitable to their rank, that, without scruple or compunction, they undertook an action which is viewed with horrour, even when committed by the meanest and most profligate of mankind. This attempt, on the contrary, appeared to them no less honourable than it was desperate; and in order to perpetuate the memory of it, they had a picture drawn, containing the portraits of the six assassins, with that of Babington in the middle, and a motto intimating that they were jointly embarked in some hazardous design. 1586. The scheme of the conspirators.

The conspirators, as appears by this wanton and imprudent instance of vanity, seem to have thought a discovery hardly possible, and neither distrusted the fidelity of their companions, nor doubted the success of their undertaking. But while they believed that their machinations were carried on with the most profound and impenetrable secrecy, every step they took was fully known to Walsingham. Polly was one of his spies, and had entered into the conspiracy with no other design than to betray his associates. Gilbert Gifford too, having been sent over to England to quicken the motions of the conspirators, had been gained by Walsingham, and gave him sure intelligence of all their projects. That vigilant minister immediately imparted the discoveries which he had made to Elizabeth; and, without communicating the matter to any other of the counsellors, they agreed, in order to understand the plot more perfectly, to wait until it was ripened into some form, and brought near the point of execution. Discovered by Walsingham.

At last, Elizabeth thought it dangerous and criminal

1586. to expose her own life, and to tempt providence any farther. Ballard, the prime mover in the whole conspiracy, was arrested. His associates, disconcerted and struck with astonishment, endeavoured to save themselves by flight. But within a few days, all of them, except Windsor, were seized in different places of the kingdom, and committed to the Tower. Though they had undertaken the part, they wanted the firm and determined spirit of assassins; and, influenced by fear or by hope, at once confessed all that they knew. The indignation of the people, and their impatience to revenge such an execrable combination against the life of their sovereign, hastened their trial, and all of them suffered the death of traitors [n].

They are seized and punished. August 4.

Sept. 20.

Thus far Elizabeth's conduct may be pronounced both prudent and laudable, nor can she be accused of violating any law of humanity, or of taking any precautions beyond what were necessary for her own safety. But a tragical scene followed, with regard to which posterity will pass a very different judgment.

Mary is accused of being an accomplice in the conspiracy.

The frantic zeal of a few rash young men accounts sufficiently for all the wild and wicked designs which they had formed. But this was not the light in which Elizabeth and her ministers chose to place the conspiracy. They wished to persuade the nation, that Babington and his associates should be considered merely as instruments employed by the queen of Scots, the real though secret author of so many attempts against the life of Elizabeth, and the peace of her kingdoms. They produced letters, which they ascribed to her, in support of this charge. These, as they gave out, had come into their hands by the following singular and mysterious method of conveyance. Gifford, on his return into England, had been trusted by some of the exiles with letters to Mary; but, in order to make a trial of his fidelity and address, they were

[n] Camd. 515. State Trials, vol. i. 110.

only blank papers made up in that form. These being safely delivered by him, he was afterwards employed without further scruple. Walsingham having found means to gain this man, he, by the permission of that minister, and the connivance of Paulet, bribed a tradesman in the neighbourhood of Chartley, whither Mary had been conveyed, who deposited the letters in a hole in the wall of the castle, covered with a loose stone. Thence they were taken by the queen, and in the same manner her answers returned. All these were carried to Walsingham, opened by him, deciphered, sealed again so dexterously that the fraud could not be perceived, and then transmitted to the persons to whom they were directed. Two letters to Babington, with several to Mendoza, Paget, Englefield, and the English fugitives, were procured by this artifice. It was given out, that in these letters Mary approved of the conspiracy, and even of the assassination; that she directed them to proceed with the utmost circumspection, and not to take arms, until foreign auxiliaries were ready to join them; that she recommended the earl of Arundel, his brothers, and the young earl of Northumberland, as proper persons to conduct and to add reputation to their enterprise; that she advised them, if possible, to excite at the same time some commotion in Ireland; and, above all, besought them to concert with care the means of her own escape, suggesting to them several expedients for that purpose. 1586.

The indignation of the English against her on that account.

All these circumstances were opened at the trial of the conspirators; and while the nation was under the influence of those terrours which the association had raised, and the late danger had augmented, they were believed without hesitation or inquiry, and spread a general alarm. Mary's zeal for her religion was well known; and, in that age, examples of the violent and sanguinary spirit which it inspired were numerous. All the cabals against the peace of the kingdom for many years had been carried on in her name; and it now

1586. appears evidently, said the English, that the safety of the one queen is incompatible with that of the other. Why then, added they, should the tranquillity of England be sacrificed for the sake of a stranger? Why is a life so dear to the nation, exposed to the repeated assaults of an exasperated rival? The case supposed in the association has now happened, the sacred person of our sovereign has been threatened, and why should not an injured people execute that just vengeance which they had vowed?

Elizabeth resolves to proceed to the utmost extremities against her.

No sentiments could be more agreeable than these to Elizabeth and her ministers. They themselves had at first propagated them among the people, and they now served both as an apology and a motive for their proceeding to such extremities against the Scottish queen as they had long meditated. The more numerous the injuries were which Elizabeth had heaped on Mary, the more she feared and hated that unhappy queen, and came at last to be persuaded that there could be no other security for her own life, but the death of her rival. Burleigh and Walsingham had promoted so zealously all Elizabeth's measures with regard to Scottish affairs, and had acted with so little reserve in opposition to Mary, that they had reason to dread the most violent effects of her resentment, if ever she should mount the throne of England. From this additional consideration they endeavoured, with the utmost earnestness, to hinder an event so fatal to themselves, by confirming their mistress's fear and hatred of the Scottish queen.

Her domestics, papers, etc. seized.

Meanwhile, Mary was guarded with unusual vigilance, and great care was taken to keep her ignorant of the discovery of the conspiracy. Sir Thomas Gorges was at last sent from court to acquaint her both of it, and of the imputation with which she was loaded as accessory to that crime; and he surprised her with the account, just as she had got on horseback to ride out along with her keepers. She was struck with astonish-

ment, and would have returned to her apartment, but she was not permitted; and, in her absence, her private closet was broke open; her cabinet and papers were seized, sealed, and sent up to court. Her principal domestics too were arrested, and committed to different keepers. Naué and Curle, her two secretaries, the one a native of France, the other of Scotland, were carried prisoners to London. All the money in her custody, amounting to little more than two thousand pounds, was secured[o]. And, after leading her about for some days, from one gentleman's house to another, she was conveyed to Fotheringay, a strong castle in Northamptonshire[p]. 1586.

No farther evidence could now be expected against Mary, and nothing remained but to decide what should be her fate. With regard to this, Elizabeth, and those ministers in whom she chiefly confided, seem to have taken their resolution; but there was still great variety of sentiments among her other counsellors. Some thought it sufficient to dismiss all Mary's attendants, and to keep her under such close restraint, as would cut off all possibility of corresponding with the enemies of the kingdom; and as her constitution, broken by long confinement, and her spirit, dejected with so many sorrows, could not long support such an additional load, the queen and nation would soon be delivered from all their fears. But, though it might be easy to secure Mary's own person, it was impossible to diminish the reverence which the Roman catholics had for her name, or to extinguish the compassion with which they viewed her sufferings; while such sentiments continued, insurrections and invasions would never be wanting for her relief, and the only effect of any new rigour would be to render these attempts more frequent and more dangerous. For this reason the expedient was rejected. Deliberates concerning the method of proceeding.

[o] See Appendix, No. XLVIII. [p] Camd. 517.

1586. A public and legal trial, though the most unexampled, was judged the most unexceptionable method of proceeding; and it had, at the same time, a semblance of justice, accompanied with an air of dignity. It was in vain to search the ancient records for any statute or precedent to justify such an uncommon step, as the trial of a foreign prince, who had not entered the kingdom in arms, but had fled thither for refuge. The proceedings against her were founded on the act of last parliament, and by applying it in this manner, the intention of those who had framed that severe statute became more apparent [q].

Determines to try her publicly.

Elizabeth resolved that no circumstance of pomp or solemnity should be wanting, which could render this transaction such as became the dignity of the person to be tried. She appointed, by a commission under the great seal, forty persons, the most illustrious in the kingdom by their birth or offices, together with five of the judges, to hear and decide this great cause. Many difficulties were started by the lawyers about the name and title by which Mary should be arraigned; and while the essentials of justice were so grossly violated, the empty forms of it were the objects of their care. They at length agreed that she should be styled "Mary, daughter and heir of James the fifth, late king of Scots, commonly called queen of Scots, and dowager of France [r]."

After the many indignities which she had lately suffered, Mary could no longer doubt but that her destruction was determined. She expected every moment to end her days by poison, or by some of those secret means usually employed against captive princes. Lest the malice of her enemies, at the same time that it deprived her of life, should endeavour likewise to blast her reputation, she wrote to the duke of Guise, and vindicated herself, in the strongest terms, from the im-

[q] Camd. 519. Johnst. Hist. 113. [r] Strype, iii. 362.

putation of encouraging or of being accessory to the conspiracy for assassinating Elizabeth[s]. In the solitude of her prison, the strange resolution of bringing her to a public trial had not reached her ears, nor did the idea of any thing so unprecedented, and so repugnant to regal majesty, once enter into her thoughts. 1586.

The trial at Fotheringay.

On the eleventh of October, the commissioners appointed by Elizabeth arrived at Fotheringay. Next morning they delivered a letter from their sovereign to Mary, in which, after the bitterest reproaches and accusations, she informed her, that regard for the happiness of the nation had at last rendered it necessary to make a public inquiry into her conduct, and, therefore, required her, as she had lived so long under the protection of the laws of England, to submit now to the trial which they ordained to be taken of her crimes.

Mary refuses at first to plead.

Mary, though surprised at this message, was neither appalled at the danger, nor unmindful of her own dignity. She protested, in the most solemn manner, that she was innocent of the crime laid to her charge, and had never countenanced any attempt against the life of the queen of England; but, at the same time, refused to acknowledge the jurisdiction of her commissioners. "I came into the kingdom," said she, "an independent sovereign, to implore the queen's assistance, not to subject myself to her authority. Nor is my spirit so broken by its past misfortunes, or so intimidated by present dangers, as to stoop to any thing unbecoming the majesty of a crowned head, or that will disgrace the ancestors from whom I am descended, and the son to whom I shall leave my throne. If I must be tried, princes alone can be my peers. The queen of England's subjects, however noble their birth may be, are of a rank inferior to mine. Ever since my arrival in this kingdom I have been confined as a prisoner. Its laws never afforded me any protection. Let them not now be perverted, in order to take away my life."

[s] Jebb, ii. 283.

1586. The commissioners employed arguments and entreaties to overcome Mary's resolution. They even threatened to proceed according to the forms of law, and to pass sentence against her on account of her contumacy in refusing to plead; she persisted, however, for two days, to decline their jurisdiction. An argument, used by Hatton, the vicechamberlain, at last prevailed. He told her that, by avoiding a trial, she injured her own reputation, and deprived herself of the only opportunity of setting her innocence in a clear light; and that nothing would be more agreeable to them, or more acceptable to the queen their mistress, than to be convinced, by undoubted evidence, that she had been unjustly loaded with foul aspersions.

Consents, however, to do so. No wonder pretexts so plausible should impose on the unwary queen, or that she, unassisted at that time by any friend or counsellor, should not be able to detect and elude all the artifices of Elizabeth's ablest ministers. In a situation equally melancholy, and under circumstances nearly similar, her grandson, Charles the first, refused, with the utmost firmness, to acknowledge the usurped jurisdiction of the high court of justice; and posterity has approved his conduct, as suitable to the dignity of a king. If Mary was less constant in her resolution, it must be imputed solely to her anxious desire of vindicating her own honour.

Oct. 14. At her appearance before the judges, who were seated in the great hall of the castle, where they received her with much ceremony, she took care to protest, that by condescending to hear and to give an answer to the accusations which should be brought against her, she neither acknowledged the jurisdiction of the court, nor admitted the validity and justice of those acts by which they pretended to try her.

The chancellor, by a counterprotestation, endeavoured to vindicate the authority of the court.

The accusation against her. Then Elizabeth's attorney and solicitor opened the charge against her, with all the circumstances of the

late conspiracy. Copies of Mary's letters to Mendoza, Babington, Englefield, and Paget, were produced. Babington's confession, those of Ballard, Savage, and the other conspirators, together with the declarations of Naué and Curle, her secretaries, were read, and the whole ranged in the most specious order which the art of the lawyers could devise, and heightened by every colour their eloquence could add. 1586.

Mary listened to their harangues attentively, and without emotion. But at the mention of the earl of Arundel's name, who was then confined in the Tower, she broke out into this tender and generous exclamation: "Alas, how much has the noble house of Howard suffered for my sake!"

When the queen's counsel had finished, Mary stood up, and with great magnanimity, and equal presence of mind, began her defence. She bewailed the unhappiness of her own situation, that after a captivity of nineteen years, during which she had suffered treatment no less cruel than unmerited, she was at last loaded with an accusation, which tended not only to rob her of her right of succession, and to deprive her of life itself, but to transmit her name with infamy to future ages: That, without regarding the sacred rights of sovereignty, she was now subjected to laws framed against private persons; though an anointed queen, commanded to appear before the tribunal of subjects; and, like a common criminal, her honour exposed to the petulant tongues of lawyers, capable of wresting her words, and of misrepresenting her actions: That, even in this dishonourable situation, she was denied the privileges usually granted to criminals, and obliged to undertake her own defence, without the presence of any friend with whom to advise, without the aid of counsel, and without the use of her own papers. Her defence.

She then proceeded to the particular articles in the accusation. She absolutely denied any correspondence with Babington or Ballard: copies only of her pre-

1586. tended letters to them were produced; though nothing less than her handwriting or subscription was sufficient to convict her of such an odious crime: no proof could be brought that their letters were delivered into her hands, or that any answer was returned by her direction; the confessions of wretches condemned and executed for such a detestable action, were of little weight; fear or hope might extort from them many things inconsistent with truth, nor ought the honour of a queen to be stained by such vile testimony. The declaration of her secretaries was not more conclusive: promises and threats might easily overcome the resolution of two strangers; in order to screen themselves, they might throw the blame on her; but they could discover nothing to her prejudice, without violating, in the first place, the oath of fidelity which they had sworn to her; and their perjury, in one instance, rendered them unworthy of credit in another: the letters to the Spanish ambassador were either nothing more than copies, or contained only what was perfectly innocent: "I have often," continued she, "made such efforts for the recovery of my liberty, as are natural to a human creature. Convinced, by the sad experience of so many years, that it was vain to expect it from the justice or generosity of the queen of England, I have frequently solicited foreign princes, and called upon all my friends to employ their whole interest for my relief. I have likewise endeavoured to procure for the English catholics some mitigation of the rigour with which they are now treated; and if I could hope, by my death, to deliver them from oppression, am willing to die for their sake. I wish, however, to imitate the example of Esther, not of Judith, and would rather make intercession for my people, than shed the blood of the meanest creature, in order to save them. I have often checked the intemperate zeal of my adherents, when either the severity of their own persecutions, or indignation at the unheard-of injuries which I have en-

dured, were apt to precipitate them into violent councils. I have even warned the queen of dangers to which these harsh proceedings exposed herself. And worn out, as I now am, with cares and sufferings, the prospect of a crown is not so inviting, that I should ruin my soul in order to obtain it. I am no stranger to the feelings of humanity, nor unacquainted with the duties of religion, and abhor the detestable crime of assassination, as equally repugnant to both. And, if ever I have given consent by my words, or even by my thoughts, to any attempt against the life of the queen of England, far from declining the judgment of men, I shall not even pray for the mercy of God[t]." 1586.

Two different days did Mary appear before the judges, and in every part of her behaviour maintained the magnanimity of a queen, tempered with the gentleness and modesty of a woman.

Sentence against her.

The commissioners, by Elizabeth's express command, adjourned, without pronouncing any sentence, to the starchamber in Westminster. When assembled in that place, Naué and Curle were brought into court, and confirmed their former declaration upon oath; and, after reviewing all their proceedings, the commissioners unanimously declared Mary "to be accessory to Babington's conspiracy, and to have imagined divers matters tending to the hurt, death, and destruction of Elizabeth, contrary to the express words of the statute made for the security of the queen's life[u]." Oct. 25.

Irregularities in the trial.

It is no easy matter to determine whether the injustice in appointing this trial, or the irregularity in conducting it, were greatest and most flagrant. By what right did Elizabeth claim authority over an independent queen? Was Mary bound to comply with the laws of a foreign kingdom? How could the subjects of another prince become her judges? or, if such an insult on royalty were allowed, ought not the common

[t] Camd. 520, etc. [u] Ibid. 525.

1586. forms of justice to have been observed? If the testimony of Babington and his associates were so explicit, why did not Elizabeth spare them for a few weeks, and, by confronting them with Mary, overwhelm her with the full conviction of her crimes? Naué and Curle were both alive, wherefore did not they appear at Fotheringay? and for what reason were they produced in the starchamber, where Mary was not present to hear what they deposed? Was this suspicious evidence enough to condemn a queen? Ought the meanest criminal to have been found guilty upon such feeble and inconclusive proofs?

It was not, however, on the evidence produced at her trial, that the sentence against Mary was founded. That served as a pretence to justify, but was not the cause of the violent steps taken by Elizabeth and her ministers towards her destruction; and was employed to give some appearance of justice to what was the offspring of jealousy and fear. The nation, blinded with resentment against Mary, and solicitous to secure the life of its own sovereign from every danger, observed no irregularities in the proceedings, and attended to no defects in the proof, but grasped at suspicions and probabilities, as if they had been irrefragable demonstrations.

The parliament confirm the sentence,

The parliament met a few days after sentence was pronounced against Mary. In that illustrious assembly more temper and discernment than are to be found among the people, might have been expected. Both lords and commons, however, were equally under the dominion of popular prejudices and passions, and the same excess of zeal, or of fear, which prevailed in the nation, is apparent in all their proceedings. They entered with impatience upon an inquiry into the conspiracy, and the danger which threatened the queen's life, as well as the peace of the kingdom. All the papers which had been produced at Fotheringay, were laid before them; and, after many violent invectives

against the queen of Scots, both houses unanimously ratified the proceedings of the commissioners by whom she had been tried, and declared the sentence against her to be just and well founded. Not satisfied with this, they presented a joint address to the queen, beseeching her, as she regarded her own safety, the preservation of the protestant religion, the welfare and wishes of her people, to publish the sentence; and without further delay to inflict on a rival, no less irreclaimable than dangerous, the punishment which she had merited by so many crimes. This request, dictated by fears unworthy of that great assembly, was enforced by reasons still more unworthy. They were drawn not from justice, but from conveniency. The most rigorous confinement, it was pretended, could not curb Mary's intriguing spirit; her address was found, by long experience, to be an overmatch for the vigilance and jealousy of all her keepers; the severest penal laws could not restrain her adherents, who, while they believed her person to be sacred, would despise any danger to which themselves alone were exposed; several foreign princes were ready to second their attempts, and waited only a proper opportunity for invading the kingdom, and asserting the Scottish queen's title to the crown. Her life, they contended, was, for these reasons, incompatible with Elizabeth's safety; and if she were spared out of a false clemency, the queen's person, the religion and liberties of the kingdom, could not be one moment secure. Necessity required that she should be sacrificed in order to preserve these; and to prove this sacrifice to be no less just than necessary, several examples in history were produced, and many texts of scripture quoted; but both the one and the other were misapplied, and distorted from their true meaning. 1586. and demand the execution of it.

Nothing, however, could be more acceptable to Elizabeth, than an address in this strain. It extricated her out of a situation extremely embarrassing; and, Elizabeth's dissimulation.

1586. without depriving her of the power of sparing, it enabled her to punish her rival with less appearance of blame. If she chose the former, the whole honour would redound to her own clemency. If she determined on the latter, whatever was rigorous might now seem to be extorted by the solicitations of her people, rather than to flow from her own inclination. Her answer, however, was in a style which she often used, ambiguous and evasive, under the appearance of openness and candour; full of such professions of regard for her people, as served to heighten their loyalty; of such complaints of Mary's ingratitude, as were calculated to excite their indignation; and of such insinuations that her own life was in danger, as could not fail to keep alive their fears. In the end, she besought them to save her the infamy and the pain of delivering up a queen, her nearest kinswoman, to punishment; and to consider whether it might not still be possible to provide for the public security, without forcing her to imbrue her hands in royal blood.

The true meaning of this reply was easily understood. The lords and commons renewed their former request with additional importunity, which was far from being either unexpected or offensive. Elizabeth did not return any answer more explicit; and, having obtained such a public sanction of her proceedings, there was no longer any reason for protracting this scene of dissimulation; there was even some danger that her feigned difficulties might at last be treated as real ones: she, therefore, prorogued the parliament, and reserved in her own hands the sole disposal of her rival's fate [x].

France interposes feebly in behalf of Mary.

All the princes in Europe observed the proceedings against Mary with astonishment and horrour; and even Henry the third, notwithstanding his known aversion to the house of Guise, was obliged to interpose on her behalf, and to appear in defence of the common rights

[x] Camd. 526. D'Ewes, 375.

of royalty. Aubespine, his resident ambassador, and Bellievre, who was sent with an extraordinary commission to the same purpose, interceded for Mary with great appearance of warmth. They employed all the arguments which the cause naturally suggested; they pleaded from justice, from generosity, and humanity; they intermingled reproaches and threats. But to all these Elizabeth continued deaf and inexorable; and having received some intimation of Henry's real unconcern about the fate of the Scottish queen, and knowing his antipathy to all the race of Guise, she trusted that these loud remonstrances would be followed by no violent resentment[y]. 1586.

She paid no greater regard to the solicitations of the Scottish king, which, as they were urged with greater sincerity, merited more attention. Though her commissioners had been extremely careful to sooth James, by publishing a declaration that their sentence against Mary did, in no degree, derogate from his honour, or invalidate any title which he formerly possessed; he beheld the indignities to which his mother had been exposed with filial concern, and with the sentiments which became a king. The pride of the Scottish nation was roused, by the insult offered to the blood of their monarchs, and called upon him to employ the most vigorous efforts, in order to prevent or to revenge the queen's death. James endeavours to save his mother's life.

At first, he could hardly believe that Elizabeth would venture upon an action so unprecedented, which tended so visibly to render the persons of princes less sacred in the eyes of the people, and which degraded the regal dignity, of which, at other times, she was so remarkably jealous. But as soon as the extraordinary steps which she took discovered her intention, he despatched sir William Keith to London; who, together with Douglas, his ambassador in ordinary, remonstrated,

[y] Camd. 531.

1586. in the strongest terms, against the injury done to an independent queen, in subjecting her to be tried like a private person, and by laws to which she owed no obedience; and besought Elizabeth not to add to this injury, by suffering a sentence unjust in itself, as well as dishonourable to the king of Scots, to be put into execution [z].

Elizabeth returning no answer to these remonstrances of his ambassador, James wrote to her with his own hand, complaining in the bitterest terms of her conduct, not without threats that both his duty and his honour would oblige him to renounce her friendship, and to act as became a son when called to revenge his mother's wrongs [a]. At the same time he assembled the nobles, who promised to stand by him in so good a cause. He appointed ambassadors to France, Spain, and Denmark, in order to implore the aid of these courts; and took other steps towards executing his threats with vigour. The high strain of his letter enraged Elizabeth to such a degree, that she was ready to dismiss his ambassadors without any reply. But his preparations alarmed and embarrassed her ministers, and at their entreaty she returned a soft and evasive answer, promising to listen to any overture from the king, that tended to his mother's safety; and to suspend the execution of the sentence, until the arrival of new ambassadors from Scotland [b].

Dec. 6. The sentence against Mary published.

Meanwhile, she commanded the sentence against Mary to be published, and forgot not to inform the people, that this was extorted from her by the repeated entreaty of both houses of parliament. At the same time she despatched lord Buckhurst and Beale to acquaint Mary with the sentence, and how importunately the nation demanded the execution of it; and though she had not hitherto yielded to these solicitations, she

[z] See Appendix, No. XLIX. Murdin, 573, etc. Birch. Mem. i. 52.
[a] Birch. Mem. i. 52. [b] Spotsw. 251. Cald. iv. 5.

advised her to prepare for an event which might become necessary for securing the protestant religion, as well as quieting the minds of the people. Mary received the message not only without symptoms of fear, but with expressions of triumph. "No wonder," said she, "the English should now thirst for the blood of a foreign prince; they have often offered violence to their own monarchs. But after so many sufferings, death comes to me as a welcome deliverer. I am proud to think that my life is deemed of importance to the catholic religion, and as a martyr for it I am now willing to die[c]." 1586.

After the publication of the sentence, Mary was stripped of every remaining mark of royalty. The canopy of state in her apartment was pulled down; Paulet entered her chamber, and approached her person without any ceremony; and even appeared covered in her presence. Shocked with these indignities, and offended at this gross familiarity, to which she had never been accustomed, Mary once more complained to Elizabeth; and at the same time, as her last request, entreated that she would permit her servants to carry her dead body into France, to be laid among her ancestors in hallowed ground; that some of her domestics might be present at her death, to bear witness of her innocence, and firm adherence to the catholic faith; that all her servants might be suffered to leave the kingdom, and to enjoy those small legacies which she should bestow on them, as testimonies of her affection; and that, in the mean time, her almoner, or some other catholic priest, might be allowed to attend her, and to assist her in preparing for an eternal world. She besought her, in the name of Jesus, by the soul and memory of Henry the seventh, their common progenitor, by their near consanguinity, and the royal dignity with which they were both invested, to gratify her in these

She is treated with the utmost rigour. Dec. 19.

[c] Camd. 528. Jebb, 291.

1586. particulars, and to indulge her so far as to signify her compliance by a letter under her own hand. Whether Mary's letter was ever delivered to Elizabeth is uncertain. No answer was returned, and no regard paid to her requests. She was offered a protestant bishop or dean to attend her. Them she rejected, and, without any clergyman to direct her devotions, she prepared, in great tranquillity, for the approach of death, which she now believed to be at no great distance [d].

1587. James renews his solicitations in her behalf. January 1.

James, without losing a moment, sent new ambassadors to London. These were the master of Gray, and sir Robert Melvil. In order to remove Elizabeth's fears, they offered that their master would become bound that no conspiracy should be undertaken against her person, or the peace of the kingdom, with Mary's consent; and, for the faithful performance of this, would deliver some of the most considerable of the Scottish nobles as hostages. If this were not thought sufficient, they proposed that Mary should resign all her rights and pretensions to her son, from whom nothing injurious to the protestant religion, or inconsistent with Elizabeth's safety, could be feared. The former proposal Elizabeth rejected as insecure; the latter, as dangerous. The ambassadors were then instructed to talk in a higher tone; and Melvil executed the commission with fidelity and with zeal. But Gray, with his usual perfidy, deceived his master, who trusted him with a negotiation of so much importance, and betrayed the queen whom he was employed to save. He encouraged and urged Elizabeth to execute the sentence against her rival. He often repeated the old proverbial sentence, "The dead cannot bite." And whatever should happen, he undertook to pacify the king's rage, or at least to prevent any violent effects of his resentment [e].

[d] Camd. 528. Jebb, ii. 295.

[e] Spotsw. 352. Murdin, 568. See Appendix, No. L.

Elizabeth, meanwhile, discovered all the symptoms of the most violent agitation and disquietude of mind. She shunned society, she was often found in a melancholy and musing posture, and repeating with much emphasis these sentences, which she borrowed from some of the devices then in vogue; 'aut fer aut feri; ne feriare, feri.' Much, no doubt, of this apparent uneasiness must be imputed to dissimulation; it was impossible, however, that a princess, naturally so cautious as Elizabeth, should venture on an action, which might expose her memory to infamy, and her life and kingdom to danger, without reflecting deeply, and hesitating long. The people waited her determination in suspense and anxiety; and, lest their fear or their zeal should subside, rumours of danger were artfully invented, and propagated with the utmost industry. Aubespine, the French ambassador, was accused of having suborned an assassin to murder the queen. The Spanish fleet was said by some to be already arrived at Milfordhaven. Others affirmed that the duke of Guise had landed with a strong army in Sussex. Now it was reported that the northern counties were up in arms; next day, that the Scots had entered England with all their forces; and a conspiracy, it was whispered, was on foot for seizing the queen and burning the city. The panic grew every day more violent; and the people, astonished and enraged, called for the execution of the sentence against Mary, as the only thing which could restore tranquillity to the kingdom[f].

1587. Elizabeth's anxiety and dissimulation.

While these sentiments prevailed among her subjects, Elizabeth thought she might safely venture to strike the blow, which she had so long meditated. She commanded Davison, one of the secretaries of state, to bring to her the fatal warrant; and her behaviour on that occasion plainly showed, that it is not

Warrant for Mary's execution signed. Feb. 1.

[f] Camd. 533, 534.

1587. to humanity that we must ascribe her forbearance hitherto. At the very moment she was signing the writ which gave up a woman, a queen, and her own nearest relation, into the hands of the executioner, she was capable of jesting. "Go," says she to Davison, "and tell Walsingham what I have now done, though I am afraid he will die for grief when he hears it." Her chief anxiety was how to secure the advantages which would arise from Mary's death, without appearing to have given her consent to a deed so odious. She often hinted to Paulet and Drury, as well as to some other courtiers, that now was the time to discover the sincerity of their concern for her safety, and that she expected their zeal would extricate her out of her present perplexity. But they were wise enough to seem not to understand her meaning. Even after the warrant was signed, she commanded a letter to be written to Paulet in less ambiguous terms, complaining of his remissness in sparing so long the life of her capital enemy, and begging him to remember at last what was incumbent on him as an affectionate subject, as well as what he was bound to do by the oath of association, and to deliver his sovereign from continual fear and danger, by shortening the days of his prisoner. Paulet, though rigorous and harsh, and often brutal in the discharge of what he thought his duty, as Mary's keeper, was nevertheless a man of honour and integrity. He rejected the proposal with disdain; and lamenting that he should ever have been deemed capable of acting the part of an assassin, he declared that the queen might dispose of his life at her pleasure, but that he would never stain his own honour, nor leave an everlasting mark of infamy on his posterity, by lending his hand to perpetrate so foul a crime. On the receipt of this answer, Elizabeth became extremely peevish; and calling him a 'dainty' and 'precise fellow,' who would promise much, but perform nothing, she proposed to employ one Wingfield, who had both courage and in-

clination to strike the blow[g]. But Davison remonstrating against this, as a deed dishonourable in itself, and of dangerous example, she again declared her intention that the sentence pronounced by the commissioners should be executed according to law; and as she had already signed the warrant, she begged that no further application might be made to her on that head. By this, the privy counsellors thought themselves sufficiently authorized to proceed; and prompted, as they pretended, by zeal for the queen's safety, or instigated, as is more probable, by the apprehension of the danger to which they would themselves be exposed, if the life of the queen of Scots were spared, they assembled in the council chamber; and by a letter under all their hands, empowered the earls of Shrewsbury and Kent, together with the high sheriff of the county, to see the sentence put in execution[h]. 1587.

Mary's behaviour at her death.

On Tuesday the seventh of February, the two earls arrived at Fotheringay, and demanded access to the queen, read in her presence the warrant for execution, and required her to prepare to die next morning. Mary heard them to the end without emotion, and crossing herself in the name of the Father, and of the Son, and of the Holy Ghost, "That soul," said she, "is not worthy the joys of heaven, which repines because the body must endure the stroke of the executioner; and though I did not expect that the queen of England would set the first example of violating the sacred person of a sovereign prince, I willingly submit to that which providence has decreed to be my lot;" and laying her hand on a bible, which happened to be near her, she solemnly protested that she was innocent of that conspiracy which Babington had carried on against Elizabeth's life[i]. She then mentioned the requests contained in her letter to Elizabeth, but ob-

[g] Biog. Britan. article Davison.
[h] Camd. 534. Strype, iii. 361. 364.
[i] Jebb, ii. 301.

1587. tained no satisfactory answer. She entreated with particular earnestness, that now in her last moments her almoner might be suffered to attend her, and that she might enjoy the consolation of those pious institutions prescribed by her religion. Even this favour, which is usually granted to the vilest criminal, was absolutely denied.

Her attendants, during this conversation, were bathed in tears, and, though overawed by the presence of the two earls, with difficulty suppressed their anguish; but no sooner did Kent and Shrewsbury withdraw, than they ran to their mistress, and burst out into the most passionate expressions of tenderness and sorrow. Mary, however, not only retained perfect composure of mind herself, but endeavoured to moderate their excessive grief; and falling on her knees with all her domestics round her, she thanked heaven that her sufferings were now so near an end, and prayed that she might be enabled to endure what still remained with decency and with fortitude. The greater part of the evening she employed in settling her worldly affairs. She wrote her testament with her own hand. Her money, her jewels, and her clothes, she distributed among her servants, according to their rank or merit. She wrote a short letter to the king of France, and another to the duke of Guise, full of tender but magnanimous sentiments, and recommended her soul to their prayers, and her afflicted servants to their protection. At supper she ate temperately, as usual, and conversed not only with ease, but with cheerfulness; she drank to every one of her servants, and asked their forgiveness, if ever she had failed in any part of her duty towards them. At her wonted time she went to bed, and slept calmly a few hours. Early in the morning she retired into her closet, and employed a considerable time in devotion. At eight o'clock the high sheriff and his officers entered her chamber, and found her still kneeling at the altar. She immediately started up, and with a

majestic mien, and a countenance undismayed, and even cheerful, advanced towards the place of execution, leaning on two of Paulet's attendants. She was dressed in a mourning habit, but with an elegance and splendour which she had long laid aside, except on a few festival days. An 'Agnus Dei' hung by a pomander chain at her neck; her beads at her girdle; and in her hand she carried a crucifix of ivory. At the bottom of the stairs, the two earls, attended by several gentlemen from the neighbouring counties, received her; and there sir Andrew Melvil, the master of her household, who had been secluded for some weeks from her presence, was permitted to take his last farewell. At the sight of a mistress whom he tenderly loved, in such a situation, he melted into tears; and as he was bewailing her condition, and complaining of his own hard fate, in being appointed to carry the account of such a mournful event into Scotland, Mary replied, "Weep not, good Melvil, there is at present great cause for rejoicing. Thou shalt this day see Mary Stewart delivered from all her cares, and such an end put to her tedious sufferings, as she has long expected. Bear witness that I die constant in my religion; firm in my fidelity towards Scotland; and unchanged in my affection to France. Commend me to my son. Tell him I have done nothing injurious to his kingdom, to his honour, or to his rights; and God forgive all those who have thirsted, without cause, for my blood!" 1587.

With much difficulty, and after many entreaties, she prevailed on the two earls to allow Melvil, together with three of her men servants and two of her maids, to attend her to the scaffold. It was erected in the same hall where she had been tried, raised a little above the floor, and covered, as well as a chair, the cushion, and block, with black cloth. Mary mounted the steps with alacrity, beheld all this apparatus of death with an unaltered countenance, and signing herself with the cross, she sat down in the chair. Beale

1587. read the warrant for execution with a loud voice, to which she listened with a careless air, and like one occupied in other thoughts. Then the dean of Peterborough began a devout discourse, suitable to her present condition, and offered up prayers to heaven in her behalf; but she declared that she could not in conscience hearken to the one, nor join with the other; and kneeling down, repeated a Latin prayer. When the dean had finished his devotions, she, with an audible voice, and in the English tongue, recommended unto God the afflicted state of the church, and prayed for prosperity to her son, and for a long life and peaceable reign to Elizabeth. She declared that she hoped for mercy only through the death of Christ, at the foot of whose image she now willingly shed her blood; and lifting up and kissing the crucifix, she thus addressed it: "As thy arms, O Jesus, were extended on the cross; so with the outstretched arms of thy mercy receive me, and forgive my sins."

She then prepared for the block, by taking off her veil and upper garments; and one of the executioners rudely endeavouring to assist, she gently checked him, and said with a smile, that she had not been accustomed to undress before so many spectators, nor to be served by such valets. With calm but undaunted fortitude, she laid her neck on the block; and while one executioner held her hands, the other, at the second stroke, cut off her head, which falling out of its attire, discovered her hair already grown quite grey with cares and sorrows. The executioner held it up, still streaming with blood, and the dean crying out, "So perish all queen Elizabeth's enemies!" the earl of Kent alone answered Amen. The rest of the spectators continued silent, and drowned in tears; being incapable, at that moment, of any other sentiments but those of pity or admiration[k].

[k] Camd. 534. Spotsw. 355. Jebb, ii. 300. Strype, iii. 383 See Appendix, No. LI.

Such was the tragical death of Mary, queen of Scots, after a life of forty-four years and two months, almost nineteen years of which she passed in captivity. The political parties which were formed in the kingdom, during her reign, have subsisted under various denominations, ever since that time. The rancour, with which they were at first animated, hath descended to succeeding ages, and their prejudices, as well as their rage, have been perpetuated, and even augmented. Among historians, who were under the dominion of all these passions, and who have either ascribed to her every virtuous and amiable quality, or have imputed to her all the vices of which the human heart is susceptible, we search in vain for Mary's real character. She neither merited the exaggerated praises of the one, nor the undistinguished censure of the other. 1587. Sentiments of historians concerning her.

To all the charms of beauty, and the utmost elegance of external form, she added those accomplishments which render their impression irresistible. Polite, affable, insinuating, sprightly, and capable of speaking and of writing with equal ease and dignity. Sudden, however, and violent in all her attachments; because her heart was warm and unsuspicious. Impatient of contradiction; because she had been accustomed from her infancy to be treated as a queen. No stranger, on some occasions, to dissimulation; which, in that perfidious court where she received her education, was reckoned among the necessary arts of government. Not insensible of flattery, or unconscious of that pleasure with which almost every woman beholds the influence of her own beauty. Formed with the qualities which we love, not with the talents that we admire; she was an agreeable woman, rather than an illustrious queen. The vivacity of her spirit, not sufficiently tempered with sound judgment, and the warmth of her heart, which was not at all times under the restraint of discretion, betrayed her both into errours and into crimes. To say that she was always unfor- Her character.

1587. tunate, will not account for that long and almost uninterrupted succession of calamities which befell her; we must likewise add, that she was often imprudent. Her passion for Darnly was rash, youthful, and excessive; and though the sudden transition to the opposite extreme, was the natural effect of her ill-requited love, and of his ingratitude, insolence, and brutality; yet neither these, nor Bothwell's artful address and important services, can justify her attachment to that nobleman. Even the manners of the age, licentious as they were, are no apology for this unhappy passion; nor can they induce us to look on that tragical and infamous scene which followed upon it, with less abhorrence. Humanity will draw a veil over this part of her character which it cannot approve, and may, perhaps, prompt some to impute some of her actions to her situation, more than to her dispositions; and to lament the unhappiness of the former, rather than excuse the perverseness of the latter. Mary's sufferings exceed, both in degree and in duration, those tragical distresses which fancy has feigned to excite sorrow and commiseration; and while we survey them, we are apt altogether to forget her frailties; we think of her faults with less indignation, and approve of our tears, as if they were shed for a person who had attained much nearer to pure virtue.

With regard to the queen's person, a circumstance not to be omitted in writing the history of a female reign, all contemporary authors agree in ascribing to Mary the utmost beauty of countenance, and elegance of shape, of which the human form is capable. Her hair was black, though, according to the fashion of that age, she frequently wore borrowed locks, and of different colours. Her eyes were a dark grey; her complexion was exquisitely fine; and her hands and arms remarkably delicate, both as to shape and colour. Her stature was of an height that rose to the majestic. She danced, she walked, and rode with equal grace.

Her taste for music was just, and she both sung and played upon the lute with uncommon skill. Towards the end of her life, long confinement, and the coldness of the houses, in which she had been imprisoned, brought on a rheumatism, which often deprived her of the use of her limbs. No man, says Brantome, ever beheld her person without admiration and love, or will read her history without sorrow. 1587.

None of her women were suffered to come near her dead body, which was carried into a room adjoining to the place of execution, where it lay for some days, covered with a coarse cloth torn from a billiard table. The block, the scaffold, the aprons of the executioners, and every thing stained with her blood, were reduced to ashes. Not long after, Elizabeth appointed her body to be buried in the cathedral of Peterborough with royal magnificence. But this vulgar artifice was employed in vain; the pageantry of a pompous funeral did not efface the memory of those injuries which laid Mary in her grave. James, soon after his accession to the English throne, ordered her body to be removed to Westminster Abbey, and to be deposited among the monarchs of England.

Elizabeth affected to receive the accounts of Mary's death with the most violent emotions of surprise and concern. Sighs, tears, lamentations, and mourning, were all employed to display the reality and greatness of her sorrow. Evident marks of dissimulation and artifice may be traced through every period of Elizabeth's proceedings against the life of the Scottish queen. The commission for bringing Mary to a public trial was seemingly extorted from her by the entreaties of her privy counsellors. She delayed publishing the sentence against her till she was twice solicited by both houses of parliament. Nor did she sign the warrant for execution without the utmost apparent reluctance. One scene more of the boldest and most solemn deceit remained to be exhibited. She undertook to make the

Elizabeth affects to lament Mary's death.

1587. world believe that Mary had been put to death without her knowledge, and against her will. Davison, who neither suspected her intention nor his own danger, was her instrument in carrying on this artifice, and fell a victim to it.

It was his duty, as secretary of state, to lay before her the warrant for execution, in order to be signed; and, by her command, he carried it to the great seal. She pretended, however, that she had charged him not to communicate what she had done to any person, nor to suffer the warrant to go out of his hands, without her express permission; that, in contempt of this order, he had not only revealed the matter to several of her ministers, but had, in concert with them, assembled her privy counsellors, by whom, without her consent or knowledge, the warrant was issued, and the earls of Shrewsbury and Kent empowered to put it in execution. Though Davison denied all this, and with circumstances which bear the strongest marks of truth and credibility; though it can scarcely be conceived that her privy council, composed of the persons in whom she most confided, of her ministers and favourites, would assemble within the walls of her palace, and venture to transact a matter of so much importance without her privity, and contrary to her inclination; yet so far did she carry her dissimulation, that, with all the signs of displeasure and of rage, she banished most of her counsellors out of her presence, and treated Burleigh, in particular, so harshly, and with such marks of disgust, that he gave himself up for lost, and in the deepest affliction wrote to the queen, begging leave to resign all his places, that he might retire to his own estate. Davison she instantly deprived of his office,
March. and committed him a close prisoner to the Tower. He was soon after brought to a solemn trial in the star-chamber, condemned to pay a fine of ten thousand pounds, and to be imprisoned during the queen's pleasure. He languished several years in confinement, and

never recovered any degree of favour or of power. As her jealousy and fear had bereaved the queen of Scots of life, in order to palliate this part of her conduct, Elizabeth made no scruple of sacrificing the reputation and happiness of one of the most virtuous and able men in her kingdom[1]. 1587.

This solemn farce, for it deserves no better name, furnished Elizabeth, however, with an apology to the king of Scots. As the prospect of his mother's danger had excited the king's filial care and concern, the account of her death filled him with grief and resentment. His subjects felt the dishonour done to him and to the nation. In order to sooth both, Elizabeth instantly despatched Robert Cary, one of lord Hunsdon's sons, with a letter expressing her extreme affliction on account of that miserable accident, which, as she pretended, had happened far contrary to her appointment or intention. James would not permit her messenger to enter Scotland, and with some difficulty received a memorial which he sent from Berwick. It contained the tale concerning Davison, dressed up with all the circumstances which tended to exculpate Elizabeth, and to throw the whole blame on his rashness or treachery. Such a defence gave little satisfaction, and was considered as mockery added to insult; and many of the nobles, as well as the king, breathed nothing but revenge. Elizabeth was extremely solicitous to pacify them, and she wanted neither able instruments nor plausible reasons, in order to accomplish this. Leicester wrote to the king, and Walsingham to secretary Maitland. They represented the certain destruction to which James would expose himself, if, with the forces of Scotland alone, he should venture to attack a kingdom so far superior in power; that the history of past ages, as well as his mother's sad experience, might convince him, that nothing could be more

Elizabeth endeavours to sooth James.

[1] Camd. 536. Strype, iii. 370. See Appendix, No. LII. Cabbala, 229, etc.

1587. dangerous or deceitful, than dependence on foreign aid; that the king of France would never wish to see the British kingdoms united under one monarch, nor contribute to invest a prince so nearly allied to the house of Guise with such formidable power; that Philip might be a more active ally, but would certainly prove a more dangerous one; and, under pretence of assisting him, would assert his own right to the English crown, which he already began openly to claim; that the same statute, on which the sentence of death against his mother had been founded, would justify the excluding him from the succession to the crown; that the English, naturally averse from the dominion of strangers, would not fail, if exasperated by his hostilities, to apply it in that manner; that Elizabeth was disposed to repair the wrongs which the mother had suffered by her tenderness and affection towards the son; and that, by engaging in a fruitless war, he would deprive himself of a noble inheritance, which, by cultivating her friendship, he must infallibly obtain. These representations, added to the consciousness of his own weakness, to the smallness of his revenues, to the mutinous spirit of some of the nobles, to the dubious fidelity of others, and to the influence of that faction which was entirely at Elizabeth's devotion, convinced James that a war with England, however just, would in the present juncture be altogether impolitical. All these considerations induced him to stifle his resentment; to appear satisfied with the punishment inflicted on Davison; and to preserve all the semblances of friendship with the English court[m]. In this manner did the cloud which threatened such a storm pass away. Mary's death, like that of a common criminal, remained unavenged by any prince; and, whatever infamy Elizabeth might incur, she was exposed to no new danger on that account.

[m] Spotsw. 362. Cald. iv. 13, 14. Strype, 377.

Mary's death, however, proved fatal to the master of Gray, and lost him the king's favour, which he had for some time possessed. He was become as odious to the nation as favourites, who acquire power without merit, and exercise it without discretion, usually are. The treacherous part which he had acted during his late embassy was no secret, and filled James, who at length came to the knowledge of it, with astonishment. The courtiers observed the symptoms of disgust arising in the king's mind, his enemies seized the opportunity, and sir William Stewart, in revenge of the perfidy with which Gray had betrayed his brother, captain James, publicly accused him before a convention of nobles, not only of having contributed, by his advice and suggestions, to take away the life of the queen, but of holding correspondence with popish princes, in order to subvert the religion established in the kingdom. Gray, unsupported by the king, deserted by all, and conscious of his own guilt, made a feeble defence. He was condemned to perpetual banishment, a punishment very unequal to his crimes. But the king was unwilling to abandon one whom he had once favoured so highly, to the rigour of justice; and lord Hamilton, his near relation, and the other nobles who had lately returned from exile, in gratitude for the zeal with which he had served them, interceded warmly in his behalf.

1587. Disgrace of the master of Gray. May 10.

Having thus accomplished the destruction of one of his enemies, captain James Stewart thought the juncture favourable for prosecuting his revenge on them all. He singled out secretary Maitland, the most eminent both for abilities and enmity to him; and offered to prove that he was no less accessory than Gray to the queen's death, and had even formed a design of delivering up the king himself into the hands of the English. But time and absence had, in a great measure, extinguished the king's affection for a minion who so little deserved it. All the courtiers combined against him as a common enemy; and, instead of gaining his

1587. point, he had the mortification to see the office of chancellor conferred upon Maitland, who, together with that dignity, enjoyed all the power and influence of a prime minister.

In the assembly of the church, which met this year, the same hatred to the order of bishops, and the same jealousy and fear of their encroachments, appeared. But as the king was now of full age, and a parliament was summoned on that occasion, the clergy remained satisfied with appointing some of their number to represent their grievances to that court, from which great things were expected.

The king attempts to unite the nobles.

Previous to this meeting of parliament, James attempted a work worthy of a king. The deadly feuds which subsisted between many of the great families, and which were transmitted from one generation to another, weakened the strength of the kingdom; contributed, more than any other circumstance, to preserve a fierce and barbarous spirit among the nobles; and proved the occasion of many disasters to themselves and to their country. After many preparatory negotiations, he invited the contending parties to a royal entertainment in the palace of Holyrood house; and partly by his authority, partly by his entreaties, obtained their promise to bury their dissensions in perpetual oblivion. From thence he conducted them, in solemn procession, through the streets of Edinburgh, marching by pairs, each hand in hand with his enemy. A collation of wine and sweetmeats was prepared at the public cross, and there they drank to each other, with all the signs of reciprocal forgiveness and of future friendship. The people, who were present at a spectacle so unusual, conceived the most sanguine hopes of seeing concord and tranquillity established in every part of the kingdom, and testified their satisfaction by repeated acclamations[n]. Unhappily, the effects of this

[n] Spotsw. 164. Cald. iv. 13.

reconciliation were not correspondent either to the pious endeavours of the king, or to the fond wishes of the people. 1587.

The first care of the parliament was the security of the protestant religion. All the laws passed in its favour, since the reformation, were ratified; and a new and severe one was enacted against seminary priests and jesuits, whose restless industry in making proselytes, brought many of them into Scotland about this time. Two acts of this parliament deserve more particular notice, on account of the consequences with which they were followed.

General annexation of church lands.

The one respected the lands of the church. As the public revenues were not sufficient for defraying the king's ordinary charges; as the administration of the government became more complicated and more expensive; as James was naturally profuse, and a stranger to economy; it was necessary, on all these accounts, to provide some fund proportioned to his exigencies. But no considerable sum could be levied on the commons, who did not enjoy the benefit of an extensive commerce. The nobles were unaccustomed to bear the burthen of heavy taxes. The revenues of the church were the only source whence a proper supply could be drawn. Notwithstanding all the depredations of the laity since the reformation, and the various devices which they had employed to seize the church lands, some considerable portion of them remained still unalienated, and were held either by the bishops who possessed the benefices, or were granted to laymen during pleasure. All these lands were in this parliament annexed, by one general law[o], to the crown, and the king was empowered to apply the rents of them to his own use. The tithes alone were reserved for the maintenance of the persons who served the cure, and the principal mansion house, with a few acres of land, by way of glebe, allotted for their

[o] Parl. 11. Jac. VI. c. 29.

1587. residence. By this great accession of property, it is natural to conclude that the king must have acquired a vast increase of power, and the influence of the nobles have suffered a proportional diminution. The very reverse of this seems, however, to have been the case. Almost all grants of church lands, prior to this act, were thereby confirmed; and titles, which were formerly reckoned precarious, derived thence the sanction of parliamentary authority. James was likewise authorized, during a limited time, to make new alienations; and such was the facility of his temper, ever ready to yield to the solicitations of his servants, and to gratify their most extravagant demands, that not only during the time limited, but throughout his whole reign, he was continually employed in bestowing, and his parliament in ratifying, grants of this kind to his nobles: hence little advantage accrued to the crown from that which might have been so valuable an addition to its revenues. The bishops, however, were great sufferers by the law. But at this juncture neither the king nor his ministers were solicitous about the interests of an order of men, odious to the people, and persecuted by the clergy. Their enemies promoted the law with the utmost zeal. The prospect of sharing in their spoils induced all parties to consent to it; and after a step so fatal to the wealth and power of the dignified clergy, it was no difficult matter to introduce that change in the government of the church which soon after took place[p].

Lesser barons admitted into parliament by their representatives.

The change which the other statute produced in the civil constitution was no less remarkable. Under the feudal system, every freeholder, or immediate vassal of the crown, had a right to be present in parliament. These freeholders were originally few in number, but possessed of great and extensive property. By degrees these vast possessions were divided by the proprietors themselves, or parcelled out by the prince, or split by

[p] Spotsw. 365.

other accidents. The number of freeholders became greater, and their condition more unequal; besides the ancient barons, who preserved their estates and their power unimpaired, there arose another order, whose rights were the same, though their wealth and influence were far inferior. But, in rude ages, when the art of government was extremely imperfect, when parliaments were seldom assembled, and deliberated on matters little interesting to a martial people, few of the 'lesser barons' took their seats, and the whole parliamentary jurisdiction was exercised by the 'greater barons,' in conjunction with the ecclesiastical order. James the first, fond of imitating the forms of the English constitution, to which he had been long accustomed, and desirous of providing a counterpoise to the power of the great nobles, procured an act in the year one thousand four hundred and twenty-seven, dispensing with the personal attendance of the lesser barons, and empowering those in each county to choose two commissioners to represent them in parliament. This law, like many other regulations of that wise prince, produced little effect. All the king's vassals continued, as formerly, possessed of a right to be present in parliament; but, unless in some extraordinary conjunctures, the greater barons alone attended. But, by means of the reformation, the constitution had undergone a great change. The aristocratical power of the nobles had been much increased, and the influence of the ecclesiastical order, which the crown usually employed to check their usurpation, and to balance their authority, had diminished in proportion. Many of the abbeys and priories had been erected into temporal peerages; and the protestant bishops, an indigent race of men, and odious to the nation, were far from possessing the weight and credit which their predecessors derived from their own exorbitant wealth, and the superstitious reverence of the people. In this situation, the king had recourse to the expedient em- 1587.

1587. ployed by James the first, and obtained a law reviving the statute of one thousand four hundred and twenty-seven; and from that time the commons of Scotland have sent their representatives to parliament. An act, which tended so visibly to abridge their authority, did not pass without opposition from many of the nobles. But as the king had a right to summon the lesser barons to attend in person, others were apprehensive of seeing the house filled with a multitude of his dependents, and consented the more willingly to a law which laid them under the restriction of appearing only by their representatives.

1588. The approach of the Spanish armada.

The year one thousand five hundred and eighty-eight began with an universal expectation throughout all Europe, that it was to be distinguished by wonderful events and revolutions. Several astrologers, according to the accounts of contemporary historians, had predicted this; and the situation of affairs in the two principal kingdoms of Europe was such, that a sagacious observer, without any supernatural intelligence, might have hazarded the prediction, and have foreseen the approach of some grand crisis. In France, it was evident, from the astonishing progress of the league, conducted by a leader whose ambition was restrained by no scruples, and whose genius had hitherto surmounted all difficulties; as well as from the timid, variable, and impolitic councils of Henry the third, that either that monarch must submit to abandon the throne, of which he was unworthy, or by some sudden and daring blow cut off his formidable rival. Accordingly, in the beginning of the year, the duke of Guise drove his master out of his capital city, and forced him to conclude a peace, which left him only the shadow of royalty; and before the year expired, he himself fell a victim to the resentment and fear of Henry, and to his own security. In Spain the operations were such as promised something still more uncommon. During three years Philip had employed all the power of his

European dominions, and exhausted the treasures of the Indies, in vast preparations for war. A fleet, the greatest that had ever appeared in the ocean, was ready to sail from Lisbon, and a numerous land army was assembled to embark on board of it. Its destination was still unknown, though many circumstances made it probable that the blow was aimed, in the first place, against England. Elizabeth had long given secret aid to the revolted provinces in the Low Countries, and now openly afforded them her protection. A numerous body of her troops was in their service; the earl of Leicester commanded their armies; she had great sway in the civil government of the republic; and some of its most considerable towns were in her possession. Her fleets had insulted the coasts of Spain, intercepted the galleons from the West Indies, and threatened the colonies there. Roused by so many injuries, allured by views of ambition, and animated by a superstitious zeal for propagating the Romish religion, Philip resolved not only to invade, but to conquer England, to which his descent from the house of Lancaster and the donation of pope Sixtus the fifth, gave him, in his own opinion, a double title. 1588.

Conduct of James on that occasion.

Elizabeth saw the danger approach, and prepared to encounter it. The measures for the defence of her kingdom were concerted and carried on with the wisdom and vigour which distinguished her reign. Her chief care was to secure the friendship of the king of Scots. She had treated the queen his mother with a rigour unknown among princes; she had often used himself harshly, and with contempt; and though he had hitherto prudently suppressed his resentment of these injuries, she did not believe it to be altogether extinguished, and was afraid that, in her present situation, it might burst out with fatal violence. Philip, sensible how much an alliance with Scotland would facilitate his enterprise, courted James with the utmost assiduity. He excited him to revenge his mother's

1588. wrong; he flattered him with the hopes of sharing his conquests; and offered him in marriage his daughter, the infanta Isabella. At the same time, Scotland swarmed with priests, his emissaries, who seduced some of the nobles to popery, and corrupted others with bribes and promises. Huntly, Errol, Crawford, were the heads of a faction which openly espoused the interest of Spain. Lord Maxwell, arriving from that court, began to assemble his followers, and to take arms, that he might be ready to join the Spaniards. In order to counterbalance all these, Elizabeth made the warmest professions of friendship to the king; and Ashby, her ambassador, entertained him with magnificent hopes and promises. He assured him, that his right of succession to the crown should be publicly acknowledged in England; that he should be created a duke in that kingdom; that he should be admitted to some share in the government; and receive a considerable pension annually. James, it is probable, was too well acquainted with Elizabeth's arts, to rely entirely on these promises. But he understood his own interest in the present juncture, and pursued it with much steadiness. He rejected an alliance with Spain, as dangerous. He refused to admit into his presence an ambassador from the pope. He seized colonel Semple, an agent of the prince of Parma. He drove many of the seminary priests out of the kingdom. He marched suddenly to Dumfries, dispersed Maxwell's followers, and took him prisoner. In a convention of the nobles, he declared his resolution to adhere inviolably to the league with England; and, without listening to the suggestions of revenge, determined to act in concert with Elizabeth, against the common enemy of the protestant faith. He put the kingdom in a posture of defence, and levied troops to obstruct the landing of the Spaniards. He offered to send an army to Elizabeth's assistance, and told her ambassador that he expected no other favour from the king of

Spain, but that which Polyphemus had promised to Ulysses, that when he had devoured all his companions, he would make him his last morsel[q]. 1588.

The zeal of the people, on this occasion, was not inferior to that of the king; and the extraordinary danger, with which they were threatened, suggested to them an extraordinary expedient for their security. A bond was framed for the maintenance of true religion, as well as the defence of the king's person and government, in opposition to all enemies, foreign and domestic. This contained a confession of the protestant faith, a particular renunciation of the errours of popery, and the most solemn promises, in the name and through the strength of God, of adhering to each other in supporting the former, and contending against the latter, to the utmost of their power[r]. The king, the nobles, the clergy, and the people, subscribed with equal alacrity. Strange or uncommon as such a combination may now appear, many circumstances contributed at that time to recommend it, and to render the idea familiar to the Scots. When roused by an extraordinary event, or alarmed by any public danger, the people of Israel were accustomed to bind themselves, by a solemn covenant, to adhere to that religion which the Almighty had established among them; this the Scots considered as a sacred precedent, which it became them to imitate. In that age, no considerable enterprise was undertaken in Scotland, without a bond of mutual defence, which all concerned reckoned necessary for their security. The form of this religious confederacy is plainly borrowed from those political ones, of which so many instances have occurred; the articles, stipulations, and peculiar modes of expression, are exactly the same in both. Almost all the considerable popish princes were then joined in a league for

A national covenant in defence of religion.

[q] Camd. 544. Johnst. 139. Spotsw. 369.

[r] Dunlop's Collect. of Confess. vol. ii. 108.

1588. extirpating the reformed religion, and nothing could be more natural, or seemed more efficacious, than to enter into a counter-association, in order to oppose the progress of that formidable conspiracy. To these causes did the 'covenant,' which is become so famous in history, owe its origin. It was renewed at different times during the reign of James[s]. It was revived with great solemnity, though with considerable alterations, in the year one thousand six hundred and thirty-eight. It was adopted by the English in the year one thousand six hundred and forty-three, and enforced by the civil and ecclesiastical authority of both kingdoms. The political purposes to which it was then made subservient, and the violent and unconstitutional measures which it was then employed to promote, it is not our province to explain. But at the juncture in which it was first introduced, we may pronounce it to have been a prudent and laudable device for the defence of the religion and liberties of the nation; nor were the terms in which it was conceived, other than might have been expected from men alarmed with the impending danger of popery, and threatened with an invasion by the most bigoted and most powerful prince in Europe.

Philip's eagerness to conquer England did not inspire him either with the vigour or despatch necessary to ensure the success of so mighty an enterprise. His fleet, which ought to have sailed in April, did not enter the English channel till the middle of July. It hovered many days on the coast, in expectation of being joined by the prince of Parma, who was blocked up in the ports of Flanders by a Dutch squadron. Continual disasters pursued the Spaniards during that time; successive storms and battles, which are well known, conspired with their own ill-conduct to disappoint their enterprise. And by the blessing of providence, which watched with remarkable care over the protestant re-

The armada defeated.

[s] Cald. iv. 129.

ligion and the liberties of Britain, the English valour scattered and destroyed the armada, on which Philip had arrogantly bestowed the name of invincible. After being driven out of the English seas, their shattered ships were forced to steer their course towards Spain, round Scotland and Ireland. Many of them suffered shipwreck on these dangerous and unknown coasts. Though James kept his subjects under arms, to watch the motions of the Spaniards, and to prevent their landing in an hostile manner, he received with great humanity seven hundred who were forced ashore by a tempest, and, after supplying them with necessaries, permitted them to return into their own country. 1588.

On the retreat of the Spaniards, Elizabeth sent an ambassador to congratulate with James, and to compliment him on the firmness and generosity he had discovered during a conjuncture so dangerous. But none of Ashby's promises were any longer remembered; that minister was even accused of having exceeded his powers, by his too liberal offers; and, conscious of his own falsehood, or ashamed of being disowned by his court, he withdrew secretly out of Scotland [t].

Philip, convinced by fatal experience of his own rashness in attempting the conquest of England, by a naval armament, equipped at so great a distance, and subjected, in all its operations, to the delays, and dangers, and uncertainties, arising from seas and winds, resolved to make his attack in another form, and to adopt the plan which the princes of Lorrain had long meditated, of invading England through Scotland. A body of his troops, he imagined, might be easily wafted over from the Low Countries to that kingdom; and if they could once obtain footing, or procure assistance there, the frontier of England was open and defenceless, and the northern counties full of Roman catholics, who would receive them with open arms. Meanwhile, 1589. Philip's intrigues in Scotland.

[t] Johnst. 134. Camd. 548. Murdin, 635. 788.

1589. a descent might be threatened on the southern coast, which would divide the English army, distract their councils, and throw the whole kingdom into terrible convulsions. In order to prepare the way for the execution of this design, he remitted a considerable sum of money to Bruce, a seminary priest in Scotland, and employed him, together with Hay, Creighton, and Tyrie, Scottish jesuits, to gain over as many persons of distinction as possible to his interest. Zeal for popery, and the artful insinuations of these emissaries, induced several noblemen to favour a measure which tended so manifestly to the destruction of their country. Huntly, though the king had lately given him in marriage the daughter of his favourite the duke of Lennox, continued warmly attached to the Romish church. Crawford and Errol were animated with the zeal of new converts. They all engaged in a correspondence with the prince of Parma, and, in their letters to him, offered their service to the king of Spain, and undertook, with the aid of six thousand men, to render him master of Scotland, and to bring so many of their vassals into the field, that he should be able to enter England with a numerous army. Francis Stewart, grandson of James the fifth [u], whom the king had created earl of Bothwell, though influenced by no motive of religion, for he still adhered to the protestant faith, was prompted merely by caprice, and the restlessness of his nature, to join in this treasonable correspondence.

Popish nobles conspire against the king.

Feb. 17. All these letters were intercepted in England. Elizabeth, alarmed at the danger which threatened her own kingdom, sent them immediately to the king, and, reproaching him with his former lenity towards the popish party, called upon him to check this formidable conspiracy by a proper severity. But James, though firmly attached to the protestant religion, though profoundly

The king's maxims with regard to popery.

[u] He was the son of John Prior, of Coldingham, one of James's natural children.

versed in the theological controversies between the reformers and the church of Rome, though he had employed himself, at that early period of life, in writing a commentary on the Revelations, in which he laboured to prove the pope to be antichrist, had, nevertheless, adopted already those maxims concerning the treatment of the Roman catholics, to which he adhered through the rest of his life. The Roman catholics were at that time a powerful and active party in England; they were far from being an inconsiderable faction in his own kingdom. The pope and the king of Spain were ready to take part in all their machinations, and to second every effort of their bigotry. The opposition of such a body to his succession to the crown of England, added to the averseness of the English from the government of strangers, might create him many difficulties. In order to avoid these, he thought it necessary to sooth rather than to irritate the Roman catholics, and to reconcile them to his succession, by the hopes of gentler treatment, and some mitigation of the rigour of those laws, which were now in force against them. This attempt to gain one party by promises of indulgence and acts of clemency, while he adhered with all the obstinacy of a disputant to the doctrines and tenets of the other, has given an air of mystery, and even of contradiction, to this part of the king's character. The papists, with the credulity of a sect struggling to obtain power, believed his heart to be wholly theirs; and the protestants, with the jealousy inseparable from those who are already in possession of power, viewed every act of lenity as a mark of indifference, or a symptom of apostacy. In order to please both, James often aimed at an excessive refinement, mingled with dissimulation, in which he imagined the perfection of government and of kingcraft to consist. 1589.

His behaviour on this occasion was agreeable to these general maxims. Notwithstanding the solicitations of the queen of England, enforced by the zealous His excessive lenity to the conspirators.

1589. remonstrances of his own clergy, a short imprisonment was the only punishment he inflicted upon Huntly and his associates. But he soon had reason to repent an act of clemency so inconsistent with the dignity of government. The first use which the conspirators made of their liberty was, to assemble their followers; and, under pretence of removing chancellor Maitland, an able minister, but warmly devoted to the English interest, from the king's council and presence, they attempted to seize James himself. This attempt being defeated, partly by Maitland's vigilance, and partly by their own ill-conduct, they were forced to retire to the north, where they openly erected the standard of rebellion. But as the king's government was not generally unpopular, or his ministers odious, their own vassals joined them slowly, and discovered no zeal in the cause. The king, in person, advancing against them with such forces as he could suddenly levy, they durst not rely so much on the fidelity of the troops, which, though superior in number, followed them with reluctance, as to hazard a battle; but suffering them to disperse, they surrendered to the king, and threw themselves on his mercy. Huntly, Errol, Crawford, and Bothwell, were all brought to a public trial. Repeated acts of treason were easily proved against them. The king, however, did not permit any sentence to be pronounced; and, after keeping them a few months in confinement, he took occasion, amidst the public festivity and rejoicings at the approach of his marriage, to set them at liberty [x].

The king's marriage with Anne of Denmark.

As James was the only descendant of the ancient monarchs of Scotland in the direct line; as all hopes of uniting the crowns of the two kingdoms would have expired with him; as the earl of Arran, the presumptive heir to the throne, was lunatic; the king's marriage was, on all these accounts, an event which the nation

[x] Spotsw. 373. Cald. iv. 103—130.

wished for with the utmost ardour. He himself was no less desirous of accomplishing it; and had made overtures for that purpose to the eldest daughter of Frederick the second, king of Denmark. But Elizabeth, jealous of every thing that would render the accession of the house of Stewart more acceptable to the English, endeavoured to perplex James, in the same manner she had done Mary, and employed as many artifices to defeat or to retard his marriage. His ministers, gained by bribes and promises, seconded her intention; and though several different ambassadors were sent from Scotland to Denmark, they produced powers so limited, or insisted on conditions so extravagant, that Frederick could not believe the king to be in earnest; and, suspecting that there was some design to deceive or amuse him, gave his daughter in marriage to the duke of Brunswick. Not discouraged by this disappointment, which he imputed entirely to the conduct of his own ministers, James made addresses to the princess Anne, Frederick's second daughter. Though Elizabeth endeavoured to divert him from this by recommending Catherine, the king of Navarre's sister, as a more advantageous match; though she prevailed on the privy council of Scotland to declare against the alliance with Denmark, he persisted in his choice; and despairing of overcoming the obstinacy of his own ministers in any other manner, he secretly encouraged the citizens of Edinburgh to take arms. They threatened to tear in pieces the chancellor, whom they accused as the person whose artifices had hitherto disappointed the wishes of the king and the expectations of his people. In consequence of this, the earl marischal was sent into Denmark, at the head of a splendid embassy. He received ample powers and instructions, drawn with the king's own hand. The marriage articles were quickly agreed upon, and the young queen set sail towards Scotland. James made great preparations for her reception, and waited her landing with all 1589.

1589. the impatience of a lover; when the unwelcome account arrived, that a violent tempest had arisen, which drove back her fleet to Norway, in a condition so shattered, that there was little hope of its putting again to sea before the spring. This unexpected disappointment he felt with the utmost sensibility. He instantly fitted out some ships, and, without communicating his intention to any of his council, sailed in person, attended by the chancellor, several noblemen, and a train of three
Oct. 22. hundred persons, in quest of his bride. He arrived safely in a small harbour near Upslo, where the queen
Nov. 24. then resided. There the marriage was solemnized; and as it would have been rash to trust those boisterous seas in the winter season, James accepted the invitation of the court of Denmark, and, repairing to Copenhagen, passed several months there, amidst continual feasting and amusements, in which both the queen and himself had great delight[y].

No event in the king's life appears to be a wider deviation from his general character, than this sudden sally. His son Charles the first was capable of that excessive admiration of the other sex, which arises from great sensibility of heart, heightened by elegance of taste; and the romantic air of his journey to Spain suited such a disposition. But James was not susceptible of any refined gallantry, and always expressed that contempt for the female character which a pedantic erudition, unacquainted with politeness, is apt to inspire. He was exasperated, however, and rendered impatient by the many obstacles which had been laid in his way. He was anxious to secure the political advantages which he expected from marriage; and fearing that a delay might afford Elizabeth and his own ministers an opportunity of thwarting him by new intrigues, he suddenly took the resolution of preventing them, by a voyage from which he expected to

[y] Melvil, 352. Spotsw. 377. Murdin, 637.

return in a few weeks. The nation seemed to applaud his conduct, and to be pleased with this appearance of amorous ardour in a young prince. Notwithstanding his absence so long beyond the time he expected, the nobles, the clergy, and the people, vied with one another in loyalty and obedience; and no period of the king's reign was more remarkable for tranquillity, or more free from any eruption of those factions which so often disturbed the kingdom. 1589.

THE

HISTORY OF SCOTLAND.

THE EIGHTH BOOK.

1590. ON the first of May the king and queen arrived at Leith, and were received by their subjects with every possible expression of joy. The solemnity of the queen's coronation was conducted with great magnificence; but so low had the order of bishops fallen in the opinion of the public, that none of them were present on that occasion; and Mr. Robert Bruce, a presbyterian minister of great reputation, set the crown on her head, administered the sacred unction, and performed the other customary ceremonies.

The king and queen arrive in Scotland.

The zeal and success with which many of the clergy had contributed towards preserving peace and order in the kingdom, during his absence, reconciled James, in a great degree, to their persons, and even to the presbyterian form of government. In presence of an assembly which met this year, he made high encomiums on the discipline as well as the doctrine of the church, promised to adhere inviolably to both, and permitted the assembly to frame such acts as gradually abolished all the remains of episcopal jurisdiction, and paved the way for a full and legal establishment of the presbyterian model[a].

August 4.

1591. An event happened soon after, which afforded the clergy no small triumph. Archbishop Adamson, their ancient opponent, having fallen under the king's dis-

[a] Cald. iv. 204.

pleasure, having been deprived of the revenues of his see, in consequence of the act of annexation, and being oppressed with age, with poverty, and diseases, made the meanest submission to the clergy, and delivered to the assembly a formal recantation of all his opinions concerning church government, which had been matter of offence to the presbyterians. Such a confession, from the most learned person of the episcopal order, was considered as a testimony which the force of truth had extorted from an adversary[b]. 1591.

Disorders in the kingdom.

Meanwhile, the king's excessive clemency towards offenders multiplied crimes of all kinds, and encouraged such acts of violence, as brought his government under contempt, and proved fatal to many of his subjects. The history of several years, about this time, is filled with accounts of the deadly quarrels between the great families, and of murders and assassinations perpetrated in the most audacious manner, and with circumstances of the utmost barbarity. All the defects in the feudal aristocracy were now felt more sensibly, perhaps, than at any other period in the history of Scotland, and universal license and anarchy prevailed to a degree scarce consistent with the preservation of society: while the king, too gentle to punish, or too feeble to act with vigour, suffered all these enormities to pass with impunity.

An attempt of Bothwell's against the king.

But though James connived at real crimes, witchcraft, which is commonly an imaginary one, engrossed his attention, and those suspected of it felt the whole weight of his authority. Many persons, neither extremely old, nor wretchedly poor, which were usually held to be certain indications of this crime, but masters of families, and matrons of a decent rank, and in the middle age of life, were seized and tortured. Though their confessions contained the most absurd and incredible circumstances, the king's prejudices, those of the

[b] Spotsw. 385. Cald. iv. 214.

1591. clergy and of the people, conspired in believing their extravagancies without hesitation, and in punishing their persons without mercy. Some of these unhappy sufferers accused Bothwell of having consulted them, in order to know the time of the king's death, and of having employed their art to raise the storms which had endangered the queen's life, and had detained James so long in Denmark. Upon this evidence that nobleman was committed to prison. His turbulent and haughty spirit could neither submit to the restraint, nor brook such an indignity. Having gained his keepers, he made his escape; and imputing the accusation to the artifices of his enemy the chancellor, he assembled his followers, under pretence of driving him from the king's councils. Being favoured by some of the king's attendants, he was admitted by a secret passage, under cloud of night, into the court of the palace of Holyrood house. He advanced directly towards the royal apartment; but happily before he entered, the
Dec. 27. alarm was taken, and the doors shut. While he attempted to burst open some of them, and set fire to others, the citizens of Edinburgh had time to run to their arms, and he escaped with the utmost difficulty; owing his safety to the darkness of the night, and the precipitancy with which he fled[c].

1592. He retired towards the north; and the king having unadvisedly given a commission to the earl of Huntly to pursue him and his followers with fire and sword, he, under colour of executing that commission, gratified his private revenge, and surrounded the house of the earl of Murray, burnt it to the ground, and slew Mur-
Feb. 8. ray himself. The murder of a young nobleman of such promising virtues, and the heir of the regent Murray, the darling of the people, excited universal indignation. The citizens of Edinburgh rose in a tumultuous manner; and, though they were restrained, by the care of

[c] Melv. 388. Spotsw. 386.

the magistrates, from any act of violence, they threw aside all respect for the king and his ministers, and openly insulted and threatened both. While this mutinous spirit continued, James thought it prudent to withdraw from the city, and fixed his residence for some time at Glasgow. There Huntly surrendered himself to justice; and, notwithstanding the atrociousness of his crime, and the clamours of the people, the power of the chancellor, with whom he was now closely confederated, and the king's regard for the memory of the duke of Lennox, whose daughter he had married, not only protected him from the sentence which such an odious action merited, but exempted him even from the formality of a public trial[d]. 1592.

A step of much importance was taken soon after with regard to the government of the church. The clergy had long complained of the encroachments made upon their privileges and jurisdiction by the acts of the parliament one thousand five hundred and eighty-four; and though these laws had now lost much of their force, they resolved to petition the parliament, which was approaching, to repeal them in form. The juncture for pushing such a measure was well chosen. The king had lost much of the public favour by his lenity towards the popish faction, and still more by his remissness in pursuing the murderers of the earl of Murray. The chancellor had not only a powerful party of the courtiers combined against him, but was become odious to the people, who imputed to him every false step in the king's conduct. Bothwell still lurked in the kingdom, and, being secretly supported by all the enemies of Maitland's administration, was ready every moment to renew his audacious enterprises. James, for all these reasons, was extremely willing to indulge the clergy in their request, and not only consented to a law, whereby the acts of one thousand five hundred

Presbyterian church government established by law.

[d] Spotsw. 387.

1592. and eighty-four were rescinded or explained, but he carried his complaisance still further, and permitted the parliament to establish the presbyterian government, in its general assemblies, provincial synods, presbyteries, and kirk sessions, with all the different branches of their discipline and jurisdiction, in the most ample manner. All the zeal and authority of the clergy, even under the administration of regents, from whom they might have expected the most partial favour, could not obtain the sanction of law, in confirmation of their mode of ecclesiastical government. No prince was ever less disposed than James to approve a system, the republican genius of which inspired a passion for liberty, extremely repugnant to his exalted notions of royal prerogative. Nor could any aversion be more inveterate than his, to the austere and uncomplying character of the presbyterian clergy in that age; who, more eminent for zeal than for policy, often contradicted his opinions, and censured his conduct, with a freedom equally offensive to his dogmatism as a theologian, and to his pride as a king. His situation, however, obliged him frequently to conceal, or to dissemble, his sentiments; and, as he often disgusted his subjects, by indulging the popish faction more than they approved, he endeavoured to atone for this by concessions to the presbyterian clergy, more liberal than he himself would otherwise have chosen to grant [e].

In this parliament, Bothwell and all his adherents were attainted. But he soon made a new attempt to seize the king at Falkland; and James, betrayed by some of his courtiers, and feebly defended by others, who wished well to Bothwell, as the chancellor's avowed enemy, owed his safety to the fidelity and vigilance of sir Robert Melvil, and to the irresolution of Bothwell's associates [f].

Scarcely was this danger over, when the nation was

[e] Cald. iv. 248. 252. Spotsw. 388. [f] Melv. 402.

alarmed with the discovery of a new and more formidable conspiracy. George Ker, the lord Newbattle's brother, being seized as he was ready to set sail for Spain, many suspicious papers were found in his custody, and, among these, several blanks, signed by the earls of Angus, Huntly, and Errol. By this extraordinary precaution they hoped to escape any danger of discovery. But Ker's resolution shrinking when torture was threatened, he confessed that he was employed by these noblemen to carry on a negotiation with the king of Spain; that the blanks subscribed with their names were to be filled up by Crichton and Tyrie; that they were instructed to offer the faithful service of the three earls to that monarch; and to solicit him to land a body of his troops, either in Galloway, or at the mouth of Clyde, with which they undertook, in the first place, to establish the Roman catholic religion in Scotland, and then to invade England with the whole forces of the kingdom. David Graham of Fintry, and Barclay of Ladyland, whom he accused of being privy to the conspiracy, were taken into custody, and confirmed all the circumstances of his confession[g].

1592. A new conspiracy of the popish lords.

The nation having been kept for some time in continual terrour and agitation by so many successive conspiracies, the discovery of this new danger completed the panic. All ranks of men, as if the enemy had already been at their gates, thought themselves called upon to stand forth in defence of their country. The ministers of Edinburgh, without waiting for any warrant from the king, who happened at that time to be absent from the capital, and without having received any legal commission, assembled a considerable number of peers and barons, in order to provide an instant security against the impending danger. They seized the earl of Angus, and committed him to the castle; they examined Ker; and prepared a remonstrance to

1593. Zeal of the people,

[g] Rymer, xvi. 190.

1593. be laid before the king, concerning the state of the nation, and the necessity of prosecuting the conspirators with becoming vigour. James, though jealous of every encroachment on his prerogative, and offended with his subjects, who, instead of petitioning, seemed to prescribe to him, found it necessary, during the violence of the ferment, not only to adopt their plan, but even to declare that no consideration should ever induce him to pardon such as had been guilty of so odious a treason. He summoned the earls of Huntly and Errol to surrender themselves to justice. Graham of Fintry, whom his peers pronounced to be guilty of treason, he commanded to be publicly beheaded; and marching into the north at the head of an army, the two earls, together with Angus, who had escaped out of prison, retired to the mountains. He placed garrisons in the castles which belonged to them; compelled their vassals, and the barons in the adjacent countries, to subscribe a bond containing professions of their loyalty towards him, and of their firm adherence to the protestant faith; and, the better to secure the tranquillity of that part of the kingdom, constituted the earls of Athol and marischal his lieutenants there[h].

and proceedings of the king against them.

Jan. 8.

March 18. Having finished this expedition, James returned to Edinburgh, where he found lord Borrough, an extraordinary ambassador from the court of England. Elizabeth, alarmed at the discovery of a conspiracy, which she considered as no less formidable to her own kingdom than to Scotland, reproached James with his former remissness, and urged him, as he regarded the preservation of the protestant religion, or the dignity of his own crown, to punish this repeated treason with rigour; and if he could not apprehend the persons, at least to confiscate the estates, of such audacious rebels. She weakened, however, the force of these requests, by interceding, at the same time, in behalf of Both-

Elizabeth solicits him to treat them with rigour.

[h] Spotsw. 301. Cald. iv. 291.

well, whom, according to her usual policy, in nourishing a factious spirit among the Scottish nobles, she had taken under her protection. James absolutely refused to listen to any intercession in favour of one who had so often, and with so much outrage, insulted both his government and his person. With regard to the popish conspirators, he declared his resolution to prosecute them with vigour; but that he might be the better able to do so, he demanded a small sum of money from Elizabeth, which she, distrustful perhaps of the manner in which he might apply it, showed no inclination to grant. The zeal, however, and importunity of his own subjects, obliged him to call a parliament, in order to pass an act of attainder against the three earls. But before it met, Ker made his escape out of prison, and, on pretence that legal evidence of their guilt could not be produced, nothing was concluded against them. The king himself was universally suspected of having contrived this artifice, on purpose to elude the requests of the queen of England, and to disappoint the wishes of his own people; and, therefore, in order to sooth the clergy, who exclaimed loudly against his conduct, he gave way to the passing of an act, which ordained such as obstinately contemned the censures of the church to be declared outlaws[1]. 1593.

Bothwell surprises the king.

While the terrour excited by the popish conspiracy possessed the nation, the court had been divided by two rival factions, which contended for the chief direction of affairs. At the head of one was the chancellor, in whom the king reposed entire confidence. For that very reason, perhaps, he had fallen early under the queen's displeasure. The duke of Lennox, the earl of Athol, lord Ochiltree, and all the name of Stewart, espoused her quarrel, and widened the breach. James, fond no less of domestic tranquillity than of public peace, advised his favourite to retire, for some

[1] Cald. iv. 343. Spotsw. 393. Parl. 13 Jac. VI. c. 164.

1593. time, in hopes that the queen's resentment would subside. But as he stood in need, in the present juncture, of the assistance of an able minister, he had recalled him to court. In order to prevent him from recovering his former power, the Stewarts had recourse
July 24. to an expedient no less illegal than desperate. Having combined with Bothwell, who was of the same name, they brought him back secretly into Scotland; and seizing the gates of the palace, introduced him into the royal apartment with a numerous train of armed followers. James, though deserted by all his courtiers, and incapable of resistance, discovered more indignation than fear, and, reproaching them for their treachery, called on the earl to finish his treasons by piercing his sovereign to the heart. But Bothwell fell on his knees, and implored pardon. The king was not in a condition to refuse his demands. A few days after he signed a capitulation with this successful traitor, to whom he was really a prisoner, whereby he bound himself to grant him a remission for all past offences, and to procure the ratification of it in parliament; and in the mean time to dismiss the chancellor, the master of Glamis, lord Home, and sir George Home, from his councils and presence. Bothwell, on his part, consented to remove from court, though he left there as many of his associates as he thought sufficient to prevent the return of the adverse faction.

He recovers his liberty. Sept. 7. But it was now no easy matter to keep the king under the same kind of bondage, to which he had been often subject during his minority. He discovered so much impatience to shake off his fetters, that those who had imposed, durst not continue the restraint. They permitted him to call a convention of the nobles at Stirling, and to repair thither himself. All Bothwell's enemies, and all who were desirous of gaining the king's favour by appearing to be so, obeyed the summons. They pronounced the insult offered to the king's person and authority to be high treason, and

declared him absolved from any obligation to observe conditions extorted by force, and which violated so essentially his royal prerogative. James, however, still proffered him a pardon, provided he would sue for it as an act of mercy, and promise to retire out of the kingdom. These conditions Bothwell rejected with disdain, and, betaking himself once more to arms, attempted to surprise the king; but finding him on his guard, fled to the borders [k]. 1593.

The king's ardour against Bothwell, compared with his slow and evasive proceedings against the popish lords, occasioned a general disgust among his subjects; and was imputed either to an excessive attachment to the persons of those conspirators, or to a secret partiality towards their opinions; both which gave rise to no unreasonable fears. The clergy, as the immediate guardians of the protestant religion, thought themselves bound, in such a juncture, to take extraordinary steps for its preservation. The provincial synod of Fife happening to meet at that time, a motion was made to excommunicate all concerned in the late conspiracy, as obstinate and irreclaimable papists; and though none of the conspirators resided within the bounds of the synod, or were subject to its jurisdiction, such was the zeal of the members, that, overlooking this irregularity, they pronounced against them the sentence of excommunication, to which the act of last parliament added new terrours. Lest this should be imputed to a few men, and accounted the act of a small part of the church, deputies were appointed to attend the adjacent synods, and to desire their approbation and concurrence. Suspected of favouring the popish lords. Sept. 25.

An event happened a few weeks after, which increased the people's suspicions of the king. As he was marching on an expedition against the borderers, the three popish earls coming suddenly into his pre- His lenity towards them. Oct. 17.

[k] Cald. iv. 326. Spotsw. 395.

1593. sence, offered to submit themselves to a legal trial; and James, without committing them to custody, appointed a day for that purpose. They prepared to appear with a formidable train of their friends and vassals. But in the mean time the clergy, together with many peers and barons, assembled at Edinburgh, remonstrated against the king's extreme indulgence with great boldness, and demanded of him, according to the regular course of justice, to commit to sure custody persons charged with the highest acts of treason, who could not be brought to a legal trial, until they were absolved from the censures of the church; and to call a convention of estates, to deliberate concerning the method of proceeding against them. At the same time they offered to accompany him in arms to the place of trial, lest such audacious and powerful criminals should overawe justice, and dictate to the judges, to whom they pretended to submit. James, though extremely offended, both with the irregularity of their proceedings, and the presumption of their demands, found it expedient to put off the day of trial, and to call a convention of estates, in order to quiet the fears and jealousies of the people. By being humoured in this point, their suspicions began gradually to abate, and the chancellor managed the convention so artfully, that he himself, together with a few other members, were empowered to pronounce a final sentence upon
Nov. 26. the conspirators. After much deliberation they ordained, that the three earls and their associates should be exempted from all further inquiry or prosecution, on account of their correspondence with Spain; that, before the first day of February, they should either submit to the church, and publicly renounce the errours of popery, or remove out of the kingdom; that, before the first of January, they should declare which of these alternatives they would embrace; that they should find surety for their peaceable demeanour for the future; and that, if they failed to signify their

choice in due time, they should lose the benefit of this act of 'abolition,' and remain exposed to all the pains of law[1]. 1593.

By this lenity towards the conspirators, James incurred much reproach, and gained no advantage. Devoted to the popish superstition, submissive to all the dictates of their priests, and buoyed up with hopes and promises of foreign aid, the three earls refused to accept of the conditions, and continued their treasonable correspondence with the court of Spain. A convention of estates pronounced them to have forfeited the benefit of the articles which were offered; and the king required them, by proclamation, to surrender themselves to justice. The presence of the English ambassador contributed, perhaps, to the vigour of these proceedings. Elizabeth, ever attentive to James's motions, and imputing his reluctance to punish the popish lords to a secret approbation of their designs, had sent lord Zouche, to represent, once more, the danger to which he exposed himself by this false moderation; and to require him to exercise that rigour which their crimes, as well as the posture of affairs, rendered necessary. Though the steps now taken by the king silenced all complaints on that head, yet Zouche, forgetful of his character as an ambassador, entered into private negotiations with such of the Scottish nobles as disapproved of the king's measures, and held almost an open correspondence with Bothwell, who, according to the usual artifice of malecontents, pretended much solicitude for reforming the disorders of the commonwealth, and covered his own ambition with the specious veil of zeal against those counsellors who restrained the king from pursuing the avowed enemies of the protestant faith. Zouche encouraged him, in the name of his mistress, to take arms against his sovereign. 1594. Jan. 18.

[1] Cald. iv. 330. Spotsw. 397.

1594. Meanwhile, the king and the clergy were filled with mutual distrust of each other. They were jealous, perhaps, to excess, that James's affections leaned too much towards the popish faction. He suspected them, without good reason, of prompting Bothwell to rebellion, and even of supplying him with money for that purpose. Little instigation, indeed, was wanting to rouse such a turbulent spirit as Bothwell's to any daring enterprise. He appeared suddenly within a mile of Edinburgh, at the head of four hundred horse. The pretences, by which he endeavoured to justify this insurrection, were extremely popular; zeal for religion, enmity to popery, concern for the king's honour, and for the liberties of the nation. James was totally unprovided for his own defence; he had no infantry, and was accompanied only with a few horsemen of lord Home's train. In this extremity, he implored the aid of the citizens of Edinburgh; and, in order to encourage them to act with zeal, he promised to proceed against the popish lords with the utmost rigour of law. Animated by their ministers, the citizens ran cheerfully to their arms, and advanced, with the king at their head, against Bothwell; but he, notwithstanding his success in putting to flight lord Home, who had rashly charged him with a far inferior number of cavalry, retired to Dalkeith without daring to attack the king. His followers abandoned him soon after, and, discouraged by so many successive disappointments, could never afterwards be brought to venture into the field. He betook himself to his usual lurking places in the north of England; but Elizabeth, in compliance with the king's remonstrances, obliged him to quit his retreat[m].

A new attempt of Bothwell's.

Fresh dangers from the popish lords. April 3.

No sooner was the king delivered from one danger, than he was called to attend to another. The popish lords, in consequence of their negotiations with Spain,

[m] Spotsw. 403. Cald. iv. 359.

received in the spring a supply of money from Philip. 1594.
What bold designs this might inspire, it was no easy matter to conjecture. From men under the dominion of bigotry, and whom indulgence could not reclaim, the most desperate actions were to be dreaded. The assembly of the church immediately took the alarm; remonstrated against them with more bitterness than ever; and unanimously ratified the sentence of excommunication pronounced by the synod of Fife. James himself, provoked by their obstinacy and ingratitude, and afraid that his long forbearance would not only be generally displeasing to his own subjects, but give rise to unfavourable suspicions among the English, exerted himself with unusual vigour. He called a parliament; June 8.
laid before it all the circumstances and aggravations of the conspiracy; and though there were but few members present, and several of these connected with the conspirators by blood or friendship, he prevailed on them, by his influence and importunity, to pronounce the most rigorous sentence which the law can inflict. They were declared to be guilty of high treason, and their estates and honours forfeited. At the same time, statutes, more severe than ever, were enacted against the professors of the popish religion.

How to put this sentence in execution, was a matter Battle of Glenlivat.
of great difficulty. Three powerful barons, cantoned in a part of the country of difficult access, surrounded with numerous vassals, and supported by aid from a foreign prince, were more than an overmatch for a Scottish monarch. No entreaty could prevail on Elizabeth to advance the money necessary for defraying the expenses of an expedition against them. To attack them in person, with his own forces alone, might have exposed James both to disgrace and to danger. He had recourse to the only expedient which remained in such a situation, for aiding the impotence of sovereign authority; he delegated his authority to the earl of Argyll and lord Forbes, the leaders of two clans at

1594. enmity with the conspirators; and gave them a commission to invade their lands, and to seize the castles which belonged to them. Bothwell, notwithstanding all his high pretensions of zeal for the protestant religion, having now entered into a close confederacy with them, the danger became every day more urging. Argyll, solicited by the king, and roused by the clergy, took the field at the head of seven thousand men. Huntly and Errol met him at Glenlivat, with an army far inferior in number, but composed chiefly of gentlemen of the low countries, mounted on horseback, and who brought along with them a train of field-pieces.

Oct. 3. They encountered each other with all the fury which hereditary enmity and ancient rivalship add to undisciplined courage. But the highlanders, disconcerted by the first discharge of the cannon, to which they were little accustomed, and unable to resist the impression of cavalry, were soon put to flight; and Argyll, a gallant young man of eighteen, was carried by his friends out of the field, weeping with indignation at their disgrace, and calling on them to stand, and to vindicate the honour of their name[n].

1595. On the first intelligence of this defeat, James, though obliged to pawn his jewels, in order to raise money[o], assembled a small body of troops, and marched towards the north. He was joined by the Irvines, Keiths, Leslys, Forbeses, and other clans at enmity with Huntly and Errol, who having lost several of their principal followers at Glenlivat, and others refusing to bear arms against the king in person, were obliged to retire to the mountains. James wasted their lands; put garrisons in some of their castles; burnt others; and left the duke of Lennox as his lieutenant in that part of the kingdom, with a body of men sufficient to restrain them from gathering to any head there, or from infesting the low country. Reduced at last to extreme dis-

[n] Cald. iv. 408.

[o] Birch. Mem. i. 186.

tress by the rigour of the season, and the desertion of their followers, they obtained the king's permission to go beyond seas, and gave security that they should neither return without his license, nor engage in any new intrigues against the protestant religion, or the peace of the kingdom[p]. 1595. Popish lords driven out of the kingdom.

By their exile, tranquillity was reestablished in the north of Scotland; and the firmness and vigour which James had displayed in his last proceedings against them, regained him, in a great degree, the confidence of his protestant subjects. But he sunk, in the same proportion, and for the same reason, in the esteem of the Roman catholics. They had asserted his mother's right to the crown of England with so much warmth, that they could not, with any decency, reject his; and the indulgence, with which he affected to treat the professors of the popish religion, inspired them with such hopes, that they viewed his accession to the throne as no undesirable event. But the rigour with which the king had lately pursued the conspirators, and the severe statutes against popery to which he had given his consent, convinced them now that these hopes were visionary; and they began to look about in quest of some new successor, whose rights they might oppose to his. The papists who resided in England turned their eyes towards the earl of Essex, whose generous mind, though firmly established in the protestant faith, abhorred the severities inflicted in that age on account of religious opinions. Those of the same sect, who were in exile, formed a bolder scheme, and one more suitable to their situation. They advanced the claim of the infanta of Spain; and Parsons the jesuit published a book, in which, by false quotations from history, by fabulous genealogies, and absurd arguments, interningled with bitter invectives against the king of Scots, he endeavoured to prove the infanta's title to The Roman catholics incensed against James.

[p] Spotsw. 404. Cald. 373, etc.

1595. the English crown to be preferable to his. Philip, though involved already in a war both with France and England, and scarce able to defend the remains of the Burgundian provinces against the Dutch commonwealth, eagerly grasped at this airy project. The dread of a Spanish pretender to the crown, and the opposition which the papists began to form against the king's succession, contributed not a little to remove the prejudices of the protestants, and to prepare the way for that event.

Bothwell forced to fly into Spain.

Bothwell, whose name has been so often mentioned as the disturber of the king's tranquillity, and of the peace of the kingdom, was now in a wretched condition. Abandoned by the queen of England, on account of his confederacy with the popish lords; excommunicated by the church for the same reason; and deserted in his distress by his own followers; he was obliged to fly for safety to France, and thence to Spain and Italy, where, after renouncing the protestant faith, he led, many years, an obscure and indigent life, remarkable only for a low and infamous debauchery. The king, though extremely ready to sacrifice the strongest resentment to the slightest acknowledgments, could never be softened by his submission, nor be induced to listen to any intercession in his behalf[q].

This year the king lost chancellor Maitland, an able minister, on whom he had long devolved the whole weight of public affairs. As James loved him while alive, he wrote, in honour of his memory, a copy of verses, which, when compared with the compositions of that age, are far from being inelegant[r].

A change in the administration.

Soon after his death, a considerable change was made in the administration. At that time, the annual charges of government far exceeded the king's revenues. The queen was fond of expensive amusements. James himself was a stranger to economy. It

[q] Winw. Mem. i. Spotsw. 410. [r] Spotsw. 411.

became necessary, for all these reasons, to levy the public revenues with greater order and rigour, and to husband them with more care. This important trust was committed to eight gentlemen of the law[s], who, from their number, were called 'octavians.' The powers vested in them were ample, and almost unlimited. The king bound himself neither to add to their number, nor to supply any vacancy that might happen, without their consent: and, knowing the facility of his own temper, agreed that no alienation of his revenue, no grant of a pension, or order on the treasury, should be held valid, unless it were ratified by the subscription of five of the commissioners: all their acts and decisions were declared to be of equal force with the sentence of judges in civil courts; and in consequence of them, and without any other warrant, any person might be arrested, or their goods seized. Such extensive jurisdiction, together with the absolute disposal of the public money, drew the whole executive part of government into their hands. United among themselves, they gradually undermined the rest of the king's ministers, and seized on every lucrative or honourable office. The ancient servants of the crown repined at being obliged to quit their stations to new men. The favourites and young courtiers murmured at seeing the king's liberality stinted by their prescriptions. And the clergy exclaimed against some of them as known apostates to popery, and suspected others of secretly favouring it. They retained their power, however, notwithstanding this general combination against them; and they owed it entirely to the order and economy which they introduced into the administration of the finances, by which the necessary 1595.

[s] Alexander Seaton president of the session, Walter Stewart commendator of Blantyre, lord privy seal, David Carnegy, John Lindsay, James Elphingstone, Thomas Hamilton, John Skene clerk register, and Peter Young eleemosynar.

1596. expenses of government were more easily defrayed than in any other period of the king's reign[t].

Violence of the nation against the popish lords.

The rumour of vast preparations, which Philip was said to be carrying on at this time, filled both England and Scotland with the dread of a new invasion. James took proper measures for the defence of his kingdom. But these did not satisfy the zeal of the clergy, whose suspicions of the king's sincerity began to revive; and as he had permitted the wives of the banished peers to levy the rents of their estates, and to live in their houses, they charged him with rendering the act of forfeiture ineffectual, by supporting the avowed ene-

March 24. mies of the protestant faith. The assembly of the church took under consideration the state of the kingdom, and having appointed a day of public fasting, they solemnly renewed the covenant, by which the nation was bound to adhere to the protestant faith, and to defend it against all aggressors. A committee, consisting of the most eminent clergymen, and of many barons and gentlemen of distinction, waited on the king, and laid before him a plan for the security of the kingdom, and the preservation of religion. They urged him to appropriate the estates of the banished lords as a fund for the maintenance of soldiers; to take the strictest precautions for preventing the return of such turbulent subjects into the country; and to pursue all who were suspected of being their adherents with the utmost rigour.

The king's remissness with regard to them.

Nothing could be more repugnant to the king's schemes, or more disagreeable to his inclination, than these propositions. Averse, through his whole life, to any course, where he expected opposition or danger; and fond of attaining his ends with the character of moderation, and by the arts of policy, he observed with concern the prejudices against him which were growing among the Roman catholics, and resolved to

[t] Spotsw. 413. 435.

make some atonement for that part of his conduct which had drawn upon him their indignation. Elizabeth was now well advanced in years; her life had lately been in danger; if any popish competitor should arise to dispute his right of succession, a faction so powerful as that of the banished lords might be extremely formidable; and any division among his own subjects might prove fatal, at a juncture which would require their united and most vigorous efforts. Instead, therefore, of the additional severities which the assembly proposed, James had thoughts of mitigating the punishment which they already suffered. And as they were surrounded, during their residence in foreign parts, by Philip's emissaries; as resentment might dispose them to listen more favourably than ever to their suggestions; as despair might drive them to still more atrocious actions; he resolved to recall them, under certain conditions, into their native country. Encouraged by these sentiments of the king in their favour, of which they did not want intelligence, and wearied already of the dependent and anxious life of exiles, they ventured to return secretly into Scotland. Soon after, they presented a petition to the king, begging his permission to reside at their own houses, and offering to give security for their peaceable and dutiful behaviour. James called a convention of estates to deliberate on a matter of such importance, and by their advice he granted the petition. 1596.

The rash proceedings of the clergy and people.

The members of a committee appointed by the last general assembly, as soon as they were informed of this, met at Edinburgh, and, with all the precipitancy of fear and of zeal, took such resolutions as they thought necessary for the safety of the kingdom. They wrote circular letters to all the presbyteries in Scotland; they warned them of the approaching danger; they exhorted them to stir up their people to the defence of their just rights; they commanded them to publish, in all their pulpits, the act excommunicating

1596. the popish lords; and enjoined them to lay all those who were suspected of favouring popery under the same censure by a summary sentence, and without observing the usual formalities of trial. As the danger seemed too pressing to wait for the stated meetings of the judicatories of the church, they made choice of the most eminent clergymen in different corners of the kingdom, appointed them to reside constantly at Edinburgh, and to meet every day with the ministers of that city, under the name of the 'standing council of the church,' and vested in this body the supreme authority, by enjoining it, in imitation of the ancient Roman form, to take care that the church should receive no detriment.

These proceedings, no less unconstitutional than unprecedented, were manifest encroachments on the royal prerogative, and bold steps towards open rebellion. The king's conduct, however, justified in some degree such excesses. His lenity towards the papists, so repugnant to the principles of that age; his pardoning the conspirators, notwithstanding repeated promises to the contrary; the respect he paid to lady Huntly, who was attached to the Romish religion no less than her husband; his committing the care of his daughter, the princess Elizabeth, to lady Levingston, who was infected with the same superstition; the contempt with which he talked on all occasions, both of the character of ministers, and of their function, were circumstances which might have filled minds, not prone by nature to jealousy, with some suspicions; and might have precipitated into rash councils those who were far removed from intemperate zeal. But, however powerful the motives might be, which influenced the clergy, or however laudable the end they had in view, they conducted their measures with no address, and even with little prudence. James discovered a strong inclination to avoid a rupture with the church, and, jealous as he was of his prerogative, would willingly have made

many concessions for the sake of peace. By his command, some of the privy counsellors had an interview with the more moderate among the clergy, and inquired whether Huntly and his associates might not, upon making proper acknowledgments, be again received into the bosom of the church, and be exempted from any further punishment on account of their past apostacy and treasons. They replied, that, though the gate of mercy stood always open for those who repented and returned, yet, as these noblemen had been guilty of idolatry, a crime deserving death, both by the law of God and of man, the civil magistrate could not legally grant them a pardon; and even though the church should absolve them, it was his duty to inflict punishment upon them. This inflexibility in those who were reckoned the most compliant of the order, filled the king with indignation, which the imprudence and obstinacy of a private clergyman heightened into rage. 1596.

Seditious doctrine taught by Black.

Mr. David Black, minister of St. Andrew's, discoursing in one of his sermons, according to custom, concerning the state of the nation, affirmed that the king had permitted the popish lords to return into Scotland, and, by that action, had discovered the treachery of his own heart; that all kings were the devil's children; that Satan had now the guidance of the court; that the queen of England was an atheist; that the judges were miscreants and bribers; the nobility godless and degenerate; the privy counsellors cormorants and men of no religion; and in his prayer for the queen he used these words: 'We must pray for her for fashion-sake, but we have no cause, she will never do us good.' James commanded him to be summoned before the privy council, to answer for such seditious expressions; and the clergy, instead of abandoning him to the punishment which such a petulant and criminal attack on his superiors deserved, were so imprudent as to espouse his cause, as if it had been the common one of the whole order. The controversy

Nov. 10. The clergy espouse his defence.

1596. concerning the immunities of the pulpit, and the rights of the clergy to testify against vices of every kind, which had been agitated in one thousand five hundred and eighty-four, was now revived. It was pretended that, with regard to their sacred function, ministers were subject to the church alone; that it belonged only to their ecclesiastical superiors to judge of the truth or falsehood of doctrines delivered in the pulpit; that if, upon any pretence whatever, the king usurped this jurisdiction, the church would, from that moment, sink under servitude to the civil magistrate; that, instead of reproving vice with that honest boldness which had often been of advantage to individuals, and salutary to the kingdom, the clergy would learn to flatter the passions of the prince, and to connive at the vices of others; that the king's eagerness to punish the indiscretion of a protestant minister, while he was so ready to pardon the crimes of popish conspirators, called on them to stand upon their guard, and that now was the time to contend for their privileges, and to prevent any encroachment on those rights, of which the church had been in possession ever since the reformation. Influenced by these considerations, the council of the church enjoined Black to decline the jurisdiction of the privy council. Proud of such an opportunity to display his zeal, he presented a paper to that purpose, and with the utmost firmness refused to plead, or to answer the questions which were put to him. In order to add greater weight to these proceedings, the council of the church transmitted the 'declinature' to all the presbyteries throughout the kingdom, and enjoined every minister to subscribe it in testimony of his approbation.

James defended his rights with no less vigour than they were attacked. Sensible of the contempt under which his authority must fall, if the clergy should be permitted publicly, and with impunity, to calumniate his ministers, and even to censure himself; and knowing, by former examples, what unequal reparation for

such offences he might expect from the judicatories of the church, he urged on the inquiry into Black's conduct, and issued a proclamation, commanding the members of the council of the church to leave Edinburgh, and to return to their own parishes. Black, instead of submitting, renewed his 'declinature;' and the members of the council, in defiance of the proclamation, declared, that as they met by the authority of the church, obedience to it was a duty still more sacred than that which they owed to the king himself. The privy council, notwithstanding Black's refusing to plead, proceeded in the trial; and, after a solemn inquiry, pronounced him guilty of the crimes of which he had been accused; but referred it to the king to appoint what punishment he should suffer. 1596.

Meanwhile, many endeavours were used to bring matters to accommodation. Almost every day produced some new scheme of reconcilement; but, through the king's fickleness, the obstinacy of the clergy, or the intrigues of the courtiers, they all proved ineffectual. Both parties appealed to the people, and by reciprocal and exaggerated accusations endeavoured to render each other odious. Insolence, sedition, treason, were the crimes with which James charged the clergy; while they made the pulpits resound with complaints of his excessive lenity towards papists, and of the no less excessive rigour with which he oppressed the established church. Exasperated by their bold invectives, he, at last, sentenced Black to retire beyond the river Spey, and to reside there during his pleasure; and once more commanding the members of the standing council to depart from Edinburgh, he required all the ministers of the kingdom to subscribe a bond, obliging themselves to submit, in the same manner as other subjects, to the jurisdiction of the civil courts in matters of a civil nature.

A tumult in Edinburgh.

This decisive measure excited all the violent passions which possess disappointed factions; and deeds no less

1596. violent immediately followed. These must be imputed in part to the artifices of some courtiers who expected to reap advantage from the calamities of their country, or who hoped to lessen the authority of the octavians, by engaging them in hostilities with the church. On one hand, they informed the king that the citizens of Edinburgh were under arms every night, and had planted a strong guard round the houses of their ministers. James, in order to put a stop to this imaginary insult on his government, issued a proclamation, commanding twenty-four of the principal citizens to leave the town within six hours. On the other hand, they wrote to the ministers, advising them to look to their own safety, as Huntly had been secretly admitted to an interview with the king, and had been the author of the severe proclamation against the citizens of Edinburgh[u]. They doubted no more of the truth of this intelligence, than the king had done of that which he received, and fell as blindly into the snare. The letter came to their hands just as one of their number was
Dec. 17. going to mount the pulpit. They resolved that he should acquaint the people of their danger; and he painted it with all the strong colours which men naturally employ in describing any dreadful and instant calamity. When the sermon was over, he desired the nobles and gentlemen to assemble in the 'little church.' The whole multitude, terrified at what they had heard, crowded thither; they promised and vowed to stand by the clergy; they drew up a petition to the king, craving the redress of those grievances of which the church complained, and beseeching him to deliver them from all future apprehensions of danger, by re-

[u] Though matters were industriously aggravated by persons who wished both parties to pursue violent measures, neither of these reports was altogether destitute of foundation. As their ministers were supposed to be in danger, some of the more zealous citizens had determined to defend them by force of arms. Birch. Mem. ii. 250. Huntly had been privately in Edinburgh, where he had an interview, if not with the king, at least with some of his ministers. Birch. ibid. 230.

moving such of his counsellors as were known to be enemies of the protestant religion. Two peers, two gentlemen, two burgesses, and two ministers, were appointed to present it. The king happened to be in the great hall of the Tolbooth, where the court of session was sitting. The manner in which the petition was delivered, as well as its contents, offended him. He gave an haughty reply; the petitioners insisted with warmth; and a promiscuous multitude pressing into the room, James retired abruptly into another apartment, and commanded the gates to be shut behind him. The deputies returned to the multitude, who were still assembled, and to whom a minister had been reading, in their absence, the story of Haman. When they reported that the king had refused to listen to their petitions, the church was filled in a moment with noise, threatenings, execrations, and all the outrage and confusion of a popular tumult. Some called for their arms, some to bring out the wicked Haman; others cried, 'The sword of the Lord and of Gideon;' and rushing out with the most furious impetuosity, surrounded the Tolbooth, threatening the king himself, and demanding some of his counsellors, whom they named, that they might tear them in pieces. The magistrates of the city, partly by authority, partly by force, endeavoured to quell the tumult; the king attempted to sooth the malecontents, by promising to receive their petitions, when presented in a regular manner; the ministers, sensible of their own rashness in kindling such a flame, seconded both; and the rage of the populace subsiding as suddenly as it had risen, they all dispersed, and the king returned to the palace; happy in having escaped from an insurrection, which, though the instantaneous and unconcerted effect of popular fury, had exposed his life to imminent danger, and was considered by him as an unpardonable affront to his authority [x].

1596.

The king in danger.

[x] Spotsw. 417, etc. Cald. v. 54, etc. Birch. Mem. ii. 235.

1596. As soon as he retired, the leaders of the malecontents assembled, in order to prepare their petition. The punishment of the popish lords; the removal of those counsellors who were suspected of favouring their persons or opinions; the repeal of all the late acts of council, subversive of the authority of the church; together with an act approving the proceedings of the standing council; were the chief of their demands. But the king's indignation was still so high, that the deputies, chosen for this purpose, durst not venture that night to present requests which could not fail of kindling his rage anew. Before next morning, James, with all his attendants, withdrew to Linlithgow; the session, and other courts of justice, were required to leave a city where it was no longer consistent either with their safety or their dignity to remain; and the noblemen and barons were commanded to return to their own houses, and not to reassemble without the king's permission. The vigour with which the king acted, struck a damp upon the spirits of his adversaries. The citizens, sensible how much they would suffer by his absence, and the removal of the courts of justice, repented already of their conduct. The ministers alone resolved to maintain the contest. They endeavoured to prevent the nobles from dispersing; they inflamed the people by violent invectives against the king; they laboured to procure subscriptions to an association for their mutual defence; and, conscious what lustre and power the junction of some of the greater nobles would add to their cause, the ministers of Edinburgh wrote to lord Hamilton, that the people, moved by the word of God, and provoked by the injuries offered to the church, had taken arms; that many of the nobles had determined to protect the protestant religion, which owed its establishment to the piety and valour of their ancestors; that they wanted only a leader to unite them, and to inspire them with vigour; that his zeal for the good cause, no less than his noble

He leaves Edinburgh, and proceeds with severity against the citizens.

birth, entitled him to that honour: they conjured him, therefore, not to disappoint their hopes and wishes, nor to refuse the suffering church that aid which she so much needed. Lord Hamilton, instead of complying with their desire, carried the letter directly to the king, whom this new insult irritated to such a degree, that he commanded the magistrates of Edinburgh instantly to seize their ministers, as manifest incendiaries, and encouragers of rebellion. The magistrates, in order to regain the king's favour, were preparing to obey; and the ministers, who saw no other hope of safety, fled towards England[y]. 1596.

This unsuccessful insurrection, instead of overturning, established the king's authority. Those concerned in it were confounded and dispersed. The rest of James's subjects, in order to avoid suspicion, or to gain his favour, contended who should be most forward to execute his vengeance. A convention of estates being called, pronounced the late insurrection to be high treason; ordained every minister to subscribe a declaration of his submission to the king's jurisdiction, in all matters civil and criminal; empowered magistrates to commit, instantly, to prison, any minister, who, in his sermons, should utter any indecent reflections on the king's conduct; prohibited any ecclesiastical judicatory to meet without the king's license; commanded that no person should be elected a magistrate of Edinburgh, for the future, without the king's approbation; and that, in the mean time, the present magistrates should either discover and inflict condign punishment on the authors of the late tumult, or the city itself should be subjected to all the penalties of that treasonable action[z]. 1597. The king humbles the power of the church. Jan. 3.

Armed with the authority of these decrees, James resolved to crush entirely the mutinous spirit of his subjects. As the clergy had, hitherto, derived their Abridges the privileges of the citizens of Edinburgh.

[y] Spotsw. 451. Cald. v. 126.

[z] Cald. v. 147.

1597. chief credit and strength from the favour and zeal of the citizens of Edinburgh, his first care was to humble them. Though the magistrates submitted to him in the most abject terms; though they vindicated themselves, and their fellow-citizens, from the most distant intention of violating his royal person or authority; though, after the strictest scrutiny, no circumstances that could fix on them the suspicion of premeditated rebellion had been discovered; though many of the nobles, and such of the clergy as still retained any degree of favour, interceded in their behalf; neither acknowledgments, nor intercessions, were of the least avail[a]. The king continued inexorable; the city was declared to have forfeited its privileges as a corporation, and to be liable to all the penalties of treason. The capital of the kingdom, deprived of magistrates, deserted by its ministers, abandoned by the courts of justice, and proscribed by the king, remained in desolation and despair. The courtiers even threatened to raze the city to the foundation, and to erect a pillar where it stood, as an everlasting monument of the king's vengeance, and of the guilt of its inhabitants. At last, in compliance with Elizabeth, who interposed in their favour, and moved by the continual solicitations of the nobles, James absolved the citizens from the penalties of law, but at the same time he stripped them of their most important privileges; they were neither allowed to elect their own magistrates nor their own ministers; many new burthens were imposed on them; and a considerable sum of money was exacted by way of peace-offering[b].

Feb. 28.

March 21.

New regulations with regard to the church.

James was, meanwhile, equally assiduous, and no less successful, in circumscribing the jurisdiction of the church. Experience had discovered that to attempt this, by acts of parliament, and sentences of privy council, was both ineffectual and odious. He had re-

[a] Cald. v. 149.

[b] Spotsw. 434. 444.

course now to an expedient more artful, and better calculated for obtaining his end. The ecclesiastical judicatories were composed of many members; the majority of the clergy were extremely indigent, and unprovided of legal stipends; the ministers in the neighbourhood of Edinburgh, notwithstanding the parity established by the presbyterian government, had assumed a leading in the church, which filled their brethren with envy; every numerous body of men is susceptible of sudden and strong impressions, and liable to be influenced, corrupted, or overawed. Induced by these considerations, James thought it possible to gain the clergy, whom he had in vain attempted to subdue. Proper agents were set to work all over the kingdom; promises, flattery, and threats were employed; the usurpations of the brethren near the capital were aggravated; the jealousy of their power, which was growing in the distant provinces, was augmented; and two different general assemblies were held, in both which, notwithstanding the zeal and boldness wherewith a few leading clergymen defended the privileges of the church, a majority declared in favour of those measures which were agreeable to the king. Many practices, which had continued since the reformation, were condemned; many points of discipline, which had hitherto been reckoned sacred and uncontroverted, were given up; the license, with which ministers discoursed of political matters, was restrained; the freedom, with which they inveighed against particular persons, was censured; sentences of summary excommunication were declared unlawful; the convoking a general assembly, without the king's permission, was prohibited; and the right of nominating ministers to the principal towns, was vested in the crown. Thus, the clergy themselves surrendered privileges which it would have been dangerous to invade, and voluntarily submitted to a yoke more intolerable than any James would have ventured to impose by 1597.

1597. force; while such as continued to oppose his measures, instead of their former popular topic of the king's violent encroachments on a jurisdiction which did not belong to him, were obliged to turn their outcries against the corruptions of their own order[c].

Popish lords pardoned.

By the authority of these general assemblies, the popish earls were allowed to make a public recantation of their errours; were absolved from the sentence of excommunication; and received into the bosom of the church. But, not many years after, they relapsed into their former errours, were again reconciled to the church of Rome, and by their apostacy justified, in some degree, the fears and scruples of the clergy with regard to their absolution.

The ministers of Edinburgh owed to the intercession of these assemblies the liberty of returning to their charges in the city. But this liberty was clogged in such a manner as greatly abridged their power. The city was divided into distinct parishes; the number of ministers doubled; persons on whose fidelity the king could rely were fixed in the new parishes; and these circumstances, added to the authority of the late decrees of the church, contributed to confirm that absolute dominion in ecclesiastical affairs, which James possessed during the remainder of his reign.

The king was so intent on new modelling the church, that the other transactions of this period scarce deserve to be remembered. The octavians, envied by the other courtiers, and splitting into factions among themselves, resigned their commission; and, the administration of the revenue returning into its former channel, both the king and the nation were deprived of the benefit of their regular and frugal economy.

Dec. 19. Towards the end of the year, a parliament was held, in order to restore Huntly and his associates to their estates and honours, by repealing the act of forfeiture

[c] Spotsw. 433. Cald. v. 189. 233.

passed against them. The authority of this supreme court was likewise employed to introduce a farther innovation into the church; but, conformable to the system which the king had now adopted, the motion for this purpose took its rise from the clergy themselves. As the act of general annexation, and that establishing the presbyterian government, had reduced the few bishops, who still survived, to poverty and contempt; as those who possessed the abbeys and priories were mere laymen, and many of them temporal peers, few or none of the ecclesiastical order remained to vote in parliament, and, by means of that, the influence of the crown was considerably diminished there, and a proper balance to the power and number of the nobles was wanting. But the prejudices which the nation had conceived against the name and character of bishops were so violent, that James was obliged, with the utmost care, to avoid the appearance of a design to revive that order. He prevailed, therefore, on the commission appointed by the last general assembly to complain to the parliament, that the church was the only body in the kingdom destitute of its representatives in that supreme court, where it so nearly concerned every order to have some, who were bound to defend its rights; and to crave that a competent number of the clergy should be admitted, according to ancient custom, to a seat there. In compliance with this request, an act was passed, by which those ministers, on whom the king should confer the vacant bishoprics and abbeys, were entitled to a vote in parliament; and, that the clergy might conceive no jealousy of any encroachment upon their privileges, it was remitted to the general assembly, to determine what spiritual jurisdiction or authority in the government of the church these persons should possess [d].

1597.

Ecclesiastics restored to a seat in parliament.

The king, however, found it no easy matter to ob- 1598.

[d] Spotsw. 450. Parl. 15th Jac. VI. c. 235.

1598. tain the concurrence of the ecclesiastical judicatories, in which the act of parliament met with a fierce opposition. Though the clergy perceived how much lustre this new privilege would reflect upon their order; though they were not insensible of the great accession of personal power, and dignity, which many of them would acquire, by being admitted into the supreme council of the nation, their abhorrence of episcopacy was extreme; and to that they sacrificed every consideration of interest or ambition. All the king's professions of regard for the present constitution of the church did not convince them of his sincerity; all the devices that could be invented for restraining and circumscribing the jurisdiction of such as were to be raised to this new honour, did not diminish their jealousy and fear. Their own experience had taught them, with what insinuating progress the hierarchy advances, and though admitted at first with moderate authority, and under specious pretences, how rapidly it extends its dominion. "Varnish over this scheme," said one of the leading clergymen, "with what colours you please; deck the intruder with the utmost art; under all this disguise, I see the horns of his mitre." The same sentiments prevailed among many of his brethren, and induced them to reject power and honours, with as much zeal as ever those of their order courted them. Many, however, were allured by the hopes of preferment; the king himself and his ministers employed the same arts, which they had tried so successfully last year; and after long debates, and much opposition, the general assembly declared that it was
March 7. lawful for ministers to accept of a seat in parliament; that it would be highly beneficial to the church to have its representatives in that supreme court; and that fifty-one persons, a number nearly equal to that of the ecclesiastics who were anciently called to parliament, should be chosen from among the clergy for that purpose. The manner of their election, together with

the powers to be vested in them, were left undecided for the present, and furnished matter of future deliberation[e]. 1598.

As the prospect of succeeding to the crown of England drew nearer, James multiplied precautions in order to render it certain. As he was allied to many of the princes of Germany by his marriage, he sent ambassadors extraordinary to their several courts, in order to explain the justness of his title to the English throne, and to desire their assistance, if any competitor should arise to dispute his undoubted rights. These princes readily acknowledged the equity of his claim; but the aid which they could afford him was distant and feeble. At the same time, Edward Bruce, abbot of Kinloss, his ambassador at the English court, solicited Elizabeth, with the utmost warmth, to recognise his title by some public deed, and to deliver her own subjects from the calamities which are occasioned by an uncertain or disputed succession. But age had strengthened all the passions which had hitherto induced Elizabeth to keep this great question obscure and undecided; and a general and evasive answer was all that James could obtain. As no impression could be made on the queen, the ambassador was commanded to sound the disposition of her subjects, and to try what progress he could make in gaining them. Bruce possessed all the talents of secrecy, judgment, and address, requisite for conducting a negotiation no less delicate than important. A minister of this character was entitled to the confidence of the English. Many of the highest rank unbosomed themselves to him without reserve, and gave him repeated assurances of their resolution to assert his master's right, in opposition to every pretender[f]. As several pamphlets were dispersed, at this time, in England, containing objections to his title, James employed some learned men in 1599. James endeavours with success to gain a party in England.

[e] Spotsw. 450. Cald. v. 278.

[f] Johnst. 242.

1599. his kingdom to answer these cavillers, and to explain the advantages which would result to both kingdoms by the union of the crowns. These books were eagerly read, and contributed not a little to reconcile the English to that event. A book published this year by the king himself, produced an effect still more favourable. It was entitled 'Basilicon Doron,' and contained precepts concerning the art of government, addressed to prince Henry his son. Notwithstanding the great alterations and refinements in national taste since that time, we must allow this to be no contemptible performance, and not to be inferior to the works of most contemporary writers, either in purity of style or justness of composition. Even the vain parade of erudition with which it abounds, and which now disgusts us, raised the admiration of that age; and, as it was filled with those general rules which speculative authors deliver for rendering a nation happy, and of which James could discourse with great plausibility, though often incapable of putting them in practice, the English conceived an high opinion of his abilities, and expected an increase of national honour and prosperity, under a prince so profoundly skilled in politics, and who gave such a specimen both of his wisdom and of his love to his people [g].

The queen of England's sentiments concerning James, were very different from those of her subjects. His excessive indulgence towards the popish lords; the facility with which he pardoned their repeated treasons; his restoring Beaton, the popish archbishop of Glasgow, who had fled out of Scotland at the time of the reformation, to the possession of the temporalities of that benefice; the appointing him his ambassador at the court of France; the applause he bestowed, in the Basilicon Doron, on those who adhered to the queen his mother; Elizabeth considered as so many indica-

[g] Camd. Spotsw. 457.

tions of a mind alienated from the protestant religion; and suspected that he would soon revolt from the profession of it. These suspicions seemed to be fully confirmed by a discovery which came from the master of Gray, who resided at that time in Italy, and who, rather than suffer his intriguing spirit to be idle, demeaned himself so far as to act as a spy for the English court. He conveyed to Elizabeth the copy of a letter, written by James to pope Clement the eighth, in which the king, after many expressions of regard for that pontiff, and of gratitude for his favours, declared his firm resolution to treat the Roman catholics with indulgence; and, in order to render the intercourse between the court of Rome and Scotland more frequent and familiar, he solicited the pope to promote Drummond, bishop of Vaison, a Scotsman, to the dignity of a cardinal[h]. Elizabeth, who had received, by another channel[i], some imperfect intelligence of this correspondence, was filled with just surprise, and immediately despatched Bowes into Scotland, to inquire more fully into the truth of the matter, and to reproach James for an action so unbecoming a protestant prince. He was astonished at the accusation, and with a confidence, which nothing but the consciousness of innocence could inspire, affirmed the whole to be a mere calumny, and the letter itself to be forged by his enemies, on purpose to bring his sincerity in religion to be suspected. Elphingston, the secretary of state, denied the matter with equal solemnity. It came, however, to be known by a very singular accident, which happened some years after, that the information which Elizabeth had received was well founded, though, at the same time, the king's declarations of his own innocence were perfectly consistent with truth. Cardinal Bellarmine, in a reply which he published to a controversial treatise, of which the king was the author, accused him of having abandoned the favourable sentiments which he

1599.

Accuses him of corresponding with the pope.

[h] Cald. 333.

[i] Winw. Mem. vol. i. 37. 52.

1599. had once entertained of the Roman catholic religion, and, as a proof of this, quoted his letter to Clement the eighth. It was impossible, any longer, to believe this to be a fiction; and it was a matter too delicate to be passed over without strict inquiry. James immediately examined Elphingston, and his confession unravelled the whole mystery. He acknowledged that he had shuffled in this letter among other papers, which he laid before the king to be signed, who, suspecting no such deceit, subscribed it together with the rest, and without knowing what it contained; that he had no other motive, however, to this action, but zeal for his majesty's service; and, by flattering the Roman catholics with hopes of indulgence under the king's government, he imagined that he was paving the way for his more easy accession to the English throne. The privy council of England entertained very different sentiments of the secretary's conduct. In their opinion, not only the king's reputation had been exposed to reproach, but his life to danger, by this rash imposture; they even imputed the gunpowder treason to the rage and disappointment of the papists, upon finding that the hopes which this letter inspired were frustrated. The secretary was sent a prisoner into Scotland, to be tried for high treason. His peers found him guilty, but, by the queen's intercession, he obtained a pardon[k].

According to the account of other historians, James himself was no stranger to this correspondence with the pope; and, if we believe them, Elphingston, being intimidated by the threats of the English council, and deceived by the artifices of the earl of Dunbar, concealed some circumstances in his narrative of this transaction, and falsified others; and, at the expense of his own fame, and with the danger of his life, endeavoured to draw a veil over this part of his master's conduct[l].

[k] State Trials, vol. i. 429. Spotsw. 456. 507. Johnst. 448.
[l] Cald. vol. v. 322. vi. 147.

But, whether we impute the writing of this letter to the secretary's officious zeal, or to the king's command, it is certain that, about this time, James was at the utmost pains to gain the friendship of the Roman catholic princes, as a necessary precaution towards facilitating his accession to the English throne. Lord Home, who was himself a papist, was entrusted with a secret commission to the pope[m]; the archbishop of Glasgow was an active instrument with those of his own religion[n]. The pope expressed such favourable sentiments both of the king, and of his rights to the crown of England, that James thought himself bound, some years after, to acknowledge the obligation in a public manner[o]. Sir James Lindsay made great progress in gaining the English papists to acknowledge his majesty's title. Of all these intrigues Elizabeth received obscure hints from different quarters. The more imperfectly she knew, the more violently she suspected the king's designs; and, the natural jealousy of her temper increasing with age, she observed his conduct with greater solicitude than ever. 1599. James at great pains to gain the Roman catholics.

The questions with regard to the election and power of the representatives of the church, were finally decided this year by the general assembly, which met at Montrose. That place was chosen as most convenient for the ministers of the north, among whom the king's influence chiefly lay. Although great numbers resorted from the northern provinces, and the king employed his whole interest, and the authority of his own presence, to gain a majority, the following regulations were with difficulty agreed on. That the general assembly shall recommend six persons to every vacant benefice, which gave a title to a seat in parliament, out of whom the king shall nominate one; that the person so elected, after obtaining his seat in parliament, shall 1600. March 28. His regulations with regard to the church.

[m] Winw. Mem. vol. ii. 57.
[n] Cald. vol. vi. 147.
[o] Cald. vol. v. 604.

1600. neither propose nor consent to any thing there, that may affect the interest of the church, without special instructions to that purpose; that he shall be answerable for his conduct to every general assembly; and submit to its censure, without appeal, upon pain of infamy and excommunication; that he shall discharge the duties of a pastor in a particular congregation; that he shall not usurp any ecclesiastical jurisdiction, superior to that of his other brethren; that if the church inflict on him the censure of deprivation, he shall thereby forfeit his seat in parliament; that he shall annually resign his commission to the general assembly, which may be restored to him, or not, as the assembly, with the king's approbation, shall judge most expedient for the good of the church [p]. Nothing could be more repugnant to the idea of episcopal government, than these regulations. It was not in consequence of rights derived from their office, but of powers conferred by a commission, that the ecclesiastical persons were to be admitted to a seat in parliament; they were the representatives, not the superiors, of the clergy. Destitute of all spiritual authority, even their civil jurisdiction was temporary. James, however, flattered himself that they would soon be able to shake off these fetters, and gradually acquire all the privileges which belonged to the episcopal order. The clergy dreaded the same thing; and of course he contended for the nomination of these commissioners, and they opposed it, not so much on account of the powers then vested in them, as of those to which, it was believed, they would soon attain [q].

Gowrie's conspiracy.

During this summer, the kingdom enjoyed an unusual tranquillity. The clergy, after many struggles, were brought under great subjection; the popish earls were restored to their estates and honours, by the authority of parliament, and with the consent of the

[p] Spotsw. 453. 457. Cald. vol. v. 368.

[q] Spotsw. 454.

church; the rest of the nobles were at peace among themselves, and obedient to the royal authority; when, in the midst of this security, the king's life was exposed to the utmost danger, by a conspiracy altogether unexpected, and almost inexplicable. The authors of it were John Ruthven, earl of Gowrie, and his brother Alexander, the sons of that earl who was beheaded in the year one thousand five hundred and eighty-four. Nature had adorned both these young men, especially the elder brother, with many accomplishments, to which education had added its most elegant improvements. More learned than is usual among persons of their rank; more religious than is common at their age of life; generous, brave, popular; their countrymen, far from thinking them capable of any atrocious crime, conceived the most sanguine hopes of their early virtues. Notwithstanding all these noble qualities, some unknown motive engaged them in a conspiracy, which, if we adhere to the account commonly received, must be transmitted to posterity as one of the most wicked, as well as one of the worst-concerted, of which history makes any mention. 1600.

On the fifth of August, as the king, who resided during the hunting season in his palace of Falkland, was going out to his sport early in the morning, he was accosted by Mr. Alexander Ruthven, who, with an air of great importance, told the king, that the evening before he had met an unknown man, of a suspicious aspect, walking alone in a by-path, near his brother's house at Perth; and, on searching him, had found, under his cloak, a pot filled with a great quantity of foreign gold; that he had immediately seized both him and his treasure, and, without communicating the matter to any person, had kept him confined and bound in a solitary house; and that he thought it his duty to impart such a singular event first of all to his majesty. James immediately suspected this unknown person to be a seminary priest, supplied with foreign coin, in

1600. order to excite new commotions in the kingdom; and resolved to empower the magistrates of Perth to call the person before them, and inquire into all the circumstances of the story. Ruthven violently opposed this resolution, and with many arguments urged the king to ride directly to Perth, and to examine the matter in person. Meanwhile, the chase began; and James, notwithstanding his passion for that amusement, could not help ruminating upon the strangeness of the tale, and on Ruthven's importunity. At last he called him, and promised, when the sport was over, to set out for Perth. The chase, however, continued long; and Ruthven, who all the while kept close by the king, was still urging him to make haste. At the death of the buck he would not allow James to stay till a fresh horse was brought him; and observing the duke of Lennox and the earl of Mar preparing to accompany the king, he entreated him to countermand them. This James refused; and though Ruthven's impatience and anxiety, as well as the apparent perturbation in his whole behaviour, raised some suspicions in his mind; yet his own curiosity, and Ruthven's solicitations, prevailed on him to set out for Perth. When within a mile of the town, Ruthven rode forward to inform his brother of the king's arrival, though he had already despatched two messengers for that purpose. At a little distance from the town, the earl, attended by several of the citizens, met the king, who had only twenty persons in his train. No preparations were made for the king's entertainment; the earl appeared pensive and embarrassed, and was at no pains to atone, by his courtesy or hospitality, for the bad fare with which he treated his guests. When the king's repast was over, his attendants were led to dine in another room, and he being left almost alone, Ruthven whispered him, that now was the time to go to the chamber where the unknown person was kept. James commanded him to bring sir Thomas Erskine along with

them: but, instead of that, Ruthven ordered him not to follow; and, conducting the king up a staircase, and then through several apartments, the doors of which he locked behind him, led him at last into a small study, in which there stood a man clad in armour, with a sword and dagger by his side. The king, who expected to have found one disarmed and bound, started at the sight, and inquired if this was the person; but Ruthven, snatching the dagger from the girdle of the man in armour, and holding it to the king's breast, "Remember," said he, "how unjustly my father suffered by your command; you are now my prisoner; submit to my disposal without resistance or outcry; or this dagger shall instantly avenge his blood." James expostulated with Ruthven, entreated, and flattered him. The man whom he found in the study stood, all the while, trembling and dismayed, without courage either to aid the king, or to second his aggressor. Ruthven protested, that if the king raised no outcry, his life should be safe; and, moved by some unknown reason, retired in order to call his brother, leaving to the man in armour the care of the king, whom he bound by oath not to make any noise during his absence. 1600.

While the king was in this dangerous situation, his attendants growing impatient to know whither he had retired, one of Gowrie's domestics entered the room hastily, and told them that the king had just rode away towards Falkland. All of them rushed out into the street; and the earl, in the utmost hurry, called for their horses. But by this time his brother had returned to the king, and swearing that now there was no remedy, he must die, offered to bind his hands. Unarmed as James was, he scorned to submit to that indignity; and closing with the assassin, a fierce struggle ensued. The man in armour stood, as formerly, amazed and motionless; and the king, dragging Ruthven towards a window, which, during his absence, he

1600. had persuaded the person with whom he was left to open, cried, with a wild and affrighted voice, "Treason! Treason! Help! I am murdered!" His attendants heard, and knew the voice, and saw at the window, a hand which grasped the king's neck with violence. They flew with precipitation to his assistance. Lennox and Mar, with the greater number, ran up the principal staircase, where they found all the doors shut, which they battered with the utmost fury, endeavouring to burst them open. But sir John Ramsey, entering by a backstair, which led to the apartment where the king was, found the door open; and rushing upon Ruthven, who was still struggling with the king, struck him twice with his dagger, and thrust him towards the staircase, where sir Thomas Erskine, and sir Hugh Herries met, and killed him; he crying with his last breath, "Alas! I am not to blame for this action." During this scuffle, the man who had been concealed in the study, escaped unobserved. Together with Ramsey, Erskine, and Herries, one Wilson a footman, entered the room where the king was, and, before they had time to shut the door, Gowrie rushed in with a drawn sword in each hand, followed by seven of his attendants well armed, and with a loud voice threatened them all with instant death. They immediately thrust the king into the little study, and, shutting the door upon him, encountered the earl. Notwithstanding the inequality of numbers, sir John Ramsey pierced Gowrie through the heart, and he fell down dead, without uttering a word; his followers, having received several wounds, immediately fled. Three of the king's defenders were likewise hurt in the conflict. A dreadful noise continued still at the opposite door, where many persons laboured in vain to force a passage; and the king being assured that they were Lennox, Mar, and his other friends, it was opened on the inside. They ran to the king, whom they unexpectedly found safe, with transports of congratulation; and he, falling

on his knees, with all his attendants around him, offered solemn thanks to God for such a wonderful deliverance. The danger, however, was not yet over. The inhabitants of the town, whose provost Gowrie was, and by whom he was extremely beloved, hearing the fate of the two brothers, ran to their arms, and surrounded the house, threatening revenge, with many insolent and opprobrious speeches against the king. James endeavoured to pacify the enraged multitude, by speaking to them from the window; he admitted their magistrates into the house; related to them all the circumstances of the fact; and, their fury subsiding by degrees, they dispersed. On searching the earl's pockets for papers that might discover his designs and accomplices, nothing was found but a small parchment bag, full of magical characters and words of enchantment; and, if we may believe the account of the conspiracy published by the king, "while these were about him, the wound of which he died bled not; but as soon as they were taken away, the blood gushed out in great abundance." After all the dangerous adventures of this busy day, the king returned in the evening to Falkland, having committed the dead bodies of the two brothers to the custody of the magistrates of Perth. 1600.

Notwithstanding the minute detail which the king gave of all the circumstances of this conspiracy against his life, the motives which induced the two brothers to attempt an action so detestable, the end they had in view, and the accomplices on whose aid they depended, were altogether unknown. The words of Ruthven to the king gave some grounds to think that the desire of revenging their father's death had instigated them to this attempt. But, whatever injuries their father had suffered, it is scarcely probable that they could impute them to the king, whose youth, as well as his subjection at that time to the violence of a faction, exempted him from being the object of resentment, on account of actions which were not done by his command. James

The motives of the conspirators not easily explained.

1600. had even endeavoured to repair the wrongs which the father had suffered, by benefits to his children; and Gowrie himself, sensible of his favour, had acknowledged it with the warmest expressions of gratitude. Three of the earl's attendants, being convicted of assisting him in this assault on the king's servants, were executed at Perth; but they could give no light into the motives which had prompted their master to an action so repugnant to these acknowledgments. Diligent search was made for the person concealed in the study, and from him great discoveries were expected. But Andrew Henderson, the earl's steward, who, upon a promise of pardon, confessed himself to be the man, was as much a stranger to his master's design as the rest; and though placed in the study by Gowrie's command, he did not even know for what end that station had been assigned him. The whole transaction remained as impenetrably dark as ever; and the two brothers, it was concluded, had concerted their scheme without either confident or accomplice, with unexampled secrecy as well as wickedness.

Sprot's discoveries concerning it.

An accident no less strange than the other circumstances of the story, and which happened nine years after, discovered that this opinion, however plausible, was ill-founded; and that the two brothers had not carried on their machinations all alone. One Sprot, a notary, having whispered among several persons, that he knew some secrets relating to Gowrie's conspiracy, the privy council thought the matter worthy of their attention, and ordered him to be seized. His confession was partly voluntary, and partly forced from him by torture. According to his account, Logan of Restalrig, a gentleman of an opulent fortune, but of dissolute morals, was privy to all Gowrie's intentions, and an accomplice in his crimes. Mr. Ruthven, he said, had frequent interviews with Logan, in order to concert the plan of their operations; the earl had corresponded with him to the same purpose; and one

Bour, Logan's confident, was trusted with the secret, and carried the letters between them. Both Logan and Bour were now dead. But Sprot affirmed that he had read letters written both by Gowrie and Logan on that occasion; and, in confirmation of his testimony, several of Logan's letters, which a curiosity fatal to himself had prompted Sprot to steal from among Bour's papers, were produced[r]. These were compared, by the privy council, with papers of Logan's handwriting, and the resemblance was manifest. Persons of undoubted credit, and well qualified to judge of the matter, examined them, and swore to their authenticity. Death itself did not exempt Logan from prosecution; his bones were dug up and tried for high treason, and, by a sentence equally odious and illegal[s], his lands 1600.

[r] Logan's letters were five in number. One to Bour, another to Gowrie, and three of them without any direction; nor could Sprot discover the name of the person to whom they were written. Logan gives him the appellation of right honourable. It appears from this, however, and from other words in the letter, Crom. 95, that there were several persons privy to the conspiracy. The date of the first letter is July 18th. Mr. Ruthven had communicated the matter to Logan only five days before. Ibid. It appears from the original 'summons of forfaulture' against Logan's heirs, that Bour, though he had letters addressed to him with regard to a conspiracy equally dangerous and important, was so illiterate that he could not read. "Jacobus Bour, literarum prorsus ignarus, dicti Georgii opera, in legendis omnibus scriptis ad eum missis, vel pertinentibus, utebatur." This is altogether strange, and nothing but the capricious character of Logan can account for his choosing such a confident.

[s] By the Roman law, persons guilty of the crime of high treason might be tried even after death. This practice was adopted by the Scots without any limitation, Parl. 1540, c. 69. But the unlimited exercise of this power was soon conceived to be dangerous; and the crown was laid under proper restrictions, by an act a.d. 1542, which has never been printed. The words of it are, "And because the said lords (i. e. the lords of articles) think the said act (viz. in 1540) too general and prejudicial to the barons in the realm, therefore statutes and ordains that the said act shall have no place in time coming, but against the heirs of them that notoriously commit, or shall commit lese majesty against the king's person, against the realm for averting the same, and against them that shall happen to betray the king's army allenarly, and being notourly known in their time; and the heirs of these persons to be called and judged within five years after the decease of the said persons committers of the said crimes; and the said time being bypast, the

1600. were forfeited, and his posterity declared infamous. Sprot was condemned to be hanged for misprision of treason. He adhered to his confession to the last, and having promised, on the scaffold, to give the spectators a sign in confirmation of the truth of what he had deposed, he thrice clapped his hands after he was thrown off the ladder by the executioner[t].

said heirs never to be pursued for the same." The sentence against Logan violated this statute in two particulars. He was notourly known during his life to be an accomplice in the crime for which he was tried; and his heir was called in question more than five years after his death. It is remarkable that this statute seems not to have been attended to in the parliament which forfeited Logan. Another singular circumstance deserves notice. As it is a maxim of justice that no person can be tried in absence; and as lawyers are always tenacious of their forms, and often absurd in their devices for preserving them, they contrived that, in any process against a dead person, his corpse or bones shall be presented at the bar. Examples of this occur frequently in the Scottish history. After the battle of Corrichie, the dead body of the earl of Huntly was presented in parliament, before sentence of 'forfaulture' was pronounced against him. For the same reason the bodies of Gowrie and his brother were preserved, in order that they might be produced in parliament. Logan's bones, in compliance with the same rule, were dug up. Mackenz. Crim. Law, book i. tit. 6. § 22.

[t] It appears that archbishop Spotswood was present at the execution of Sprot, Crom. 115, and yet he seems to have given no credit to his discoveries. The manner in which he speaks of him is remarkable: "Whether or not I should mention the arraignment and execution of George Sprot, who suffered at Edinburgh, I am doubtful. His confession, though voluntary and constant, carrying small probability. The man deposed, etc. It seemed to be a very fiction, and a mere invention of the man's own brain, for neither did he show the letter, nor could any wise man think that Gowrie, who went about the treason so secretly, would have communicated the matter to such a man as Logan was known to be," p. 508. Spotswood could not be ignorant of the solemnity with which Logan had been tried, and of the proof brought of the authenticity of his letters. He himself was probably present in parliament at the trial. The earl of Dunbar, of whom he always speaks with the highest respect, was the person who directed the process against Logan. Such a peremptory declaration against the truth of Sprot's evidence, notwithstanding all these circumstances, is surprising. Sir Thomas Hamilton, the king's advocate at that time, and afterwards earl of Hadington, represents the proof produced at Logan's trial as extremely convincing; and in an original letter of his to the king, the 21st of June, 1609, (in Bibl. Facult. Jurid.) after mentioning the manner in which the trial had been conducted, he thus goes on:

"When the probation of the summons was referred to the lords of articles'

But though it be thus unexpectedly discovered that Gowrie did not act without associates, little additional light is thrown, by this discovery, on the motives and intention of his conduct. It appears almost incredible that two young men of such distinguished virtue should revolt all at once from their duty, and attempt a crime so atrocious, as the murder of their sovereign. It appears still more improbable, that they should have concerted their undertaking with so little foresight and prudence. If they intended that the deed should have remained concealed, they could not have chosen a more improper scene for executing it, than their own house. If they intended that Henderson should have struck the blow, they could not have pitched on a man more destitute of the courage that must direct the hand of an assassin; nor could they expect that he, unsolicited, and unacquainted with their purpose would venture on such a desperate action. If Ruthven meant to stab the king with his own hand, why did he withdraw the dagger, after it was pointed at his breast? How could he leave the king, after such a plain declaration of his intention? Was it not preposterous to commit him to the keeping of such a timid associate as Henderson? For what purpose did he waste time in binding the hands of an unarmed man, whom he might easily have despatched with his sword? Had providence permitted them to imbrue their hands in the blood of their sovereign, what advantage could have accrued to them by his death? And what claims or pretensions could they have opposed to the rights of his children[u]? 1600.

votes, they found uniformly, all in one voice, the said summons to be so clearly proved, that they seemed to contend who should be able most zealously to express the satisfaction of his heart, not only by the most pithy words, but by tears of joy; diverse of the best rank confessing that that whereof they doubted at their entry into the house was now so manifest, that they behoved to esteem them traitors who should any longer refuse to declare their assured resolution of the truth of that treason."

[u] It has been asserted, that, in consequence of the king's death, the earl of Gowrie might have pretended to the crown of England, as the son of

1600. Inevitable and instant vengeance, together with perpetual infamy, were the only consequences they could expect to follow such a crime.

On the other hand, it is impossible to believe that the king had formed any design against the life of the two brothers. They had not incurred his indignation by any crime; and were in no degree the objects of his jealousy or hatred[x]; nor was he of a spirit so sanguinary, or so noted for rash and desperate valour, as to have attempted to murder them in their own house, where they were surrounded with many domestics, he

Dorothea Stewart, daughter of lord Methven by Margaret of England, who, after her divorce from the earl of Angus, took that nobleman for her third husband. Burnet, Hist. of his own Times. But this assertion is ill-founded. It appears from undoubted evidence, that lord Methven had only one child by queen Margaret, which died in its infancy, and Dorothea lady Ruthven was not the daughter of queen Margaret, but of Janet Stewart, lord Methven's second wife, a daughter of John earl of Athol. Crawf. Peer. 329. And though Gowrie had really been descended from the blood royal of England, the king, at that time, had a son and a daughter; and besides them, lady Arabella Stewart, daughter of Charles, earl of Lennox, had a preferable title to the crown of England.

[x] Sir Henry Neville, in a letter to sir Ralph Winwood, imputes the death of the two brothers to a cause not mentioned by any of our historians. "Out of Scotland we hear that there is no good agreement, but rather an open diffidence, betwixt the king and his wife, and many are of opinion that the discovery of some affection between her and the earl of Gowrie's brother (who was killed with him) was the truest cause and motive of that tragedy." Winw. Mem. vol. i. 274. Whether the following passages in Nicholson's letter be any confirmation of that suspicion, is submitted to the reader. In his letter, Sept. 22, 1602, he mentions the return of Gowrie's two younger brothers into Scotland, and adds, "The coming in of these two, and the queen of Scots dealing with them, and sending away and furnishing Mrs. Beatrix [their sister] with such information as sir Thomas Erskine has given, hath bred great suspicion in the king of Scots that they come not in but upon some dangerous plot." In another letter, January 1, 1603, "The day of writing my last, Mrs. Beatrix Ruthven was brought by the lady Paisley, and Mrs. of Angus, as one of their gentlewomen, into the court in the evening, and stowed in a chamber, prepared for her by the queen's direction, where the queen had much time and conference with her. Of this the king got notice, and showed his dislike thereof to the queen, gently reproving her for it, and examining quietly of the queen's servants of the same, and of other matters thereunto belonging, with such discretion and secrecy as requires such a matter."

only with a slender and unarmed train; where they could call to their assistance the inhabitants of a city, at the devotion of their family, while he was at a distance from all aid; and least of all would he have chosen for his associates in such an enterprise, the earl of Mar and the duke of Lennox, the former connected in close friendship with the house of Gowrie, and the latter married to one of the earl's sisters. 1600.

Whichsoever of these opposite systems we embrace; whether we impute the intention of murder to Gowrie, or to the king; insuperable difficulties arise, and we are involved in darkness, mystery, and contradictions. Perhaps the source of the whole conspiracy ought to be searched for deeper, and by deriving it from a more remote cause we may discover it to be less criminal. A conjecture concerning the intention of the conspirators.

To keep the king of Scots in continual dependence, was one great object of Elizabeth's policy. In order to this, she sometimes soothed him, and sometimes bribed his ministers and favourites; and when she failed of attaining her end by these means, she encouraged the clergy to render any administration which she distrusted unpopular, by decrying it, or stirred up some faction of the nobles to oppose and to overturn it. In that fierce age, men little acquainted with the arts of undermining a ministry by intrigue, had recourse to the ruder practice of rendering themselves masters of the king's person, that they might thereby obtain the direction of his councils. Those nobles, who seized the king at the 'raid of Ruthven,' were instigated and supported by Elizabeth. Bothwell, in all his wild attempts, enjoyed her protection, and when they miscarried, he was secure of a retreat in her dominions. The connexions which James had been forming of late with the Roman catholic princes, his secret negotiations in England with her subjects, and the maxims by which he governed his own kingdom, all contributed to excite her jealousy. She dreaded some great revolution in Scotland to be approaching, and it was her interest to prevent it. The

1600. earl of Gowrie was one of the most powerful of the Scottish nobles, and descended from ancestors warmly attached to the English interest. He had adopted the same system, and believed the welfare of his country to be inseparably connected with the subsistence of the alliance between the two kingdoms. During his residence at Paris, he had contracted an intimate friendship with sir Henry Neville, the queen's ambassador there, and was recommended by him to his court, as a person of whom great use might be made[y]. Elizabeth received him, as he passed through England, with distinguished marks of respect and favour. From all these circumstances a suspicion may arise, that the plan of the conspiracy against the king was formed at that time in concert with her. Such a suspicion prevailed in that age, and from the letters of Nicholson, Elizabeth's agent in Scotland, it appears not to be destitute of foundation. An English ship was observed hovering, for some time, in the mouth of the frith of Forth. The earl's two younger brothers fled into England after the ill success of the conspiracy, and were protected by Elizabeth. James himself, though he prudently concealed it, took great umbrage at her behaviour. None, however, of Elizabeth's intrigues in Scotland tended to hurt the king's person, but only to circumscribe his authority, and to thwart his schemes. His life was the surest safeguard of her own, and restrained the popish pretenders to her crown, and their abettors, from desperate attempts, to which their impatience and bigotry might otherwise have urged them on. To have encouraged Gowrie to murder his sovereign, would, on her part, have been an act of the utmost imprudence. Nor does this seem to have been the intention of the two brothers. Mr. Ruthven, first of all, endeavoured to decoy the king to Perth, without any attendants. When these proved more numerous than was expected, the

[y] Winw. i. 156.

earl employed a stratagem, in order to separate them from the king, by pretending that he had rode away towards Falkland, and by calling hastily for their horses, that they might follow him. By their shutting James up, meanwhile, in a distant corner of the house, and by attempting to bind his hands, their design seems to have been rather to seize than to assassinate him. Though Gowrie had not collected his followers in such numbers as to have been able to detain him long a prisoner, in that part of the kingdom, by open force, he might soon have been conveyed aboard the English ship, which waited, perhaps, to receive him; and he might have been landed at Fastcastle, a house of Logan's, in which, according to many obscure hints in his letters, some rendezvous of the conspirators was to be held. Amidst the surprise and terrour, into which the king must have been thrown by the violence offered to him, it was extremely natural for him to conclude that his life was sought. It was the interest of all his followers to confirm him in this belief, and to magnify his danger, in order to add to the importance and merit of their own services. Thus his fear, and their vanity, aided by the credulity and wonder which the contemplation of any great and tragical event, when not fully understood, is apt to inspire, augmented the whole transaction. On the other hand, the extravagance and improbability of the circumstances which were added, detracted from the credit of those which really happened; and even furnished pretences for calling in question the truth of the whole conspiracy. 1600.

Many disbelieve the account published by the king.

The account of what had happened at Perth reached Edinburgh next morning. The privy council commanded the ministers of that city instantly to assemble their people; and, after relating to them the circumstances of the conspiracy formed against the king's life, to return public thanks to God, for the protection which he had so visibly afforded him. But as the first accounts transmitted to Edinburgh, written in a hurry, and while the circumstances of the conspiracy were but

1600. imperfectly known, and the passions which it excited strongly felt, were indistinct, exaggerated, and contradictory, the ministers laid hold of this; and though they offered to give public thanks to God for the king's safety, they refused to enter into any detail of particulars, or to utter from the chair of truth, what appeared to be still dubious and uncertain.

A few days after, the king returned to Edinburgh; and though Galloway, the minister of his own chapel, made an harangue to the people at the public cross, in which he recited all the circumstances of the conspiracy; though James himself, in their hearing, confirmed his account; though he commanded a narrative of the whole transaction to be published; the ministers of that city, as well as many of their brethren, still continued incredulous and unconvinced. Their high esteem of Gowrie, their jealousy of every part of the king's conduct, added to some false and many improbable circumstances in the narrative, not only led them to suspect the whole, but gave their suspicions an air of credibility. But at length the king, partly by arguments, partly by threats, prevailed on all of them, except Mr. Robert Bruce, to own that they were convinced of the truth of the conspiracy. He could be brought no further than to declare, that he reverenced the king's account of the transaction, but could not say that he himself was persuaded of the truth of it. The scruples or obstinacy of a single man would have been little regarded; but as the same spirit of incredulity began to spread among the people, the example of one in so high reputation for integrity and abilities, was extremely dangerous. The king was at the utmost pains to convince and to gain Bruce; but finding it impossible to remove his doubts, he deprived him of his benefice, and after repeated delays, and many attempts towards a reconcilement, banished him the kingdom[z].

The proceedings of parliament were not retarded by

[z] Spotsw. 461, etc. Cald. v. 389, etc.

any scruples of this sort. The dead bodies of the two brothers were produced there, according to law; an indictment for high treason was preferred against them; witnesses were examined; and, by an unanimous sentence, their estates and honours were forfeited; the punishment due to traitors was inflicted on their dead bodies; and, as if the punishment hitherto in use did not express sufficient detestation of their crimes, the parliament enacted that the surname of Ruthven should be abolished; and, in order to preserve the memory of the king's miraculous escape, and to declare the sense which the nation had of the divine goodness, to all future ages, appointed the fifth of August to be observed, annually, as a day of public thanksgiving[a].

1600. Proceedings of parliament against the conspirators.

[a] A few weeks after the death of the two brothers, the king published a 'Discourse of their vile and unnatural conspiracy against his life.' In the year 1713, George, earl of Cromartie published an 'Historical Account of the conspiracy by the earl of Gowrie and Robert Logan of Restalrig, against king James the sixth.' He seems not to have seen the account which the king himself had given of that matter, and borrows the whole historical part from Spotswood and other authors; but he has extracted from the public records the depositions of the witnesses produced by the king's council, in order to make good the charge against the two brothers, and Logan their associate. From these two treatises our knowledge of all the material circumstances of the conspiracy is derived. The evidence which they contain, one would expect to be authentic and decisive. An account of a fact still recent, published by royal authority, and the original depositions of persons examined in presence of the highest court in the nation, ought to convey a degree of evidence seldom attained in historical relations, and to exclude all remaining doubt and uncertainty. But as every thing with regard to this transaction is dark and problematical, the king's account and the depositions of the witnesses not only vary but contradict each other in so many circumstances, that much room is still left for hesitation and historical scepticism. The testimony of Henderson is the fullest and most important, but in several particulars the king's account and his are contradictory. I. According to the king's account, while Mr. Ruthven was holding the dagger at his breast, 'the fellow in the study stood quaking and trembling.' Disc. 17. But Henderson says that he himself wrested the dagger out of Mr. Ruthven's hands. Disc. 53. Crom. 50. Henderson likewise boasted to his wife, that he had that day twice saved the king from being stabbed. Disc. 54. Crom. 53. II. The king asserts that Henderson opened the window during Mr. Ruthven's absence. Disc. 23. Henderson deposes that he was only attempting

1601. Though Gowrie's conspiracy occasioned a sudden and a great alarm, it was followed by no consequences

to open it when Mr. Ruthven returned, and that during the struggle between the king and him, he opened it. Disc. 53, 54. Crom. 51, 52. III. If we may believe the king, the fellow in the study stood, during the struggle, behind the king's back, inactive and trembling all the time. Disc. 27. But Henderson affirms, that he snatched away the garter with which Mr. Ruthven attempted to bind the king; that he pulled back Mr. Ruthven's hand, while he was endeavouring to stop the king's mouth, and that he opened the window. Disc. 54. Crom. 52. IV. By the king's account, Mr. Ruthven left him in the study, and went away in order to meet with his brother, and the earl came up the stairs for the same purpose. Disc. 23. Henderson deposes, that when Mr. Ruthven left the king, "he believes that he did not pass from the door." Crom. 51. It is apparent both from the situation of the house, and from other circumstances, that there could not possibly have been any interview between the brothers at this time. Disc. 23.

Henderson was twice examined, first at Falkland before the privy council in August, and next at Edinburgh before the parliament in November. Not to mention some lesser variations between these depositions, we shall point out two which are remarkable. In his first deposition, Mr. Henderson relates the most material circumstance of the whole in these words: "Mr. Ruthven pulled out the deponent's dagger, and held the same to his majesty's breast, saying, 'Remember you of my father's murder; you shall now die for it:' and pointing to his highness's heart with the dagger, the deponent threw the same out of Mr. Ruthven's hands, and swore that as God should judge his soul, that if Mr. Ruthven had retained the dagger in his hand the space a man may go six steps, he would have stricken the king to the hilts with it." Disc. 52. But at his second examination he varied from this in two material circumstances. First, the words he at that time put in Mr. Ruthven's mouth while he held the dagger at the king's breast are, 'Sir, you must be my prisoner; remember on my father's death.' Secondly, when he threatened him with death, it was only to deter him from making any noise, 'Hold your tongue, or by Christ you shall die.' 2. In his first deposition, the words of Mr. Ruthven, when he returned to the chamber where he had left the king, are, 'There is no remedy, by God you must die.' But in his second deposition, 'By God there is no remedy, and offered to bind his majesty's hands.' Crom. 51. The material words 'you must die' are omitted. The first deposition seems plainly to intimate that it was Ruthven's intention to murder the king. The second would lead us to conclude that he had no other design than to detain him as a prisoner.

There are likewise some remarkable contradictions in the testimonies of the other witnesses. 1. In the discourse published by authority, it is insinuated that the tumult of the inhabitants was raised against the king, and that it required some art to pacify them. Disc. 32. The duke of Lennox

of importance; and having been concerted by the two brothers, either without any associates, or with such as were unknown and chose to remain so, the danger was over, as soon as discovered. But not long after, a conspiracy broke out in England against Elizabeth, which, though the first danger was instantly dispelled, produced tragical effects, that rendered the close of that queen's reign dismal and unhappy. As James was deeply interested in that event, it merits our particular notice. 1601. Essex's conspiracy against Elizabeth.

The court of England was at this time divided between two powerful factions, which contended for the supreme direction of affairs. The leader of the one was Robert d'Evreux, earl of Essex; sir Robert Cecil, the son of lord treasurer Burleigh, was at the head of the other. The former was the most accomplished and the most popular of all the English nobles; brave, generous, affable; though impetuous, yet willing to listen to the counsels of those whom he loved; an avowed, but not an implacable enemy; a friend no less constant than warm; incapable of disguising his own sentiments, or of misrepresenting those of others; better fitted for a camp than for a court; of a genius that qualified him for the first place in the administration, with a spirit which scorned the second as below his merit. He was

confirms this in his deposition. Crom. 44. An act of privy council summoning the magistrates of Perth to answer for that riot is still extant. And yet Andrew Roy, one of the baillies of the town, deposes, that he himself raised the people, and that they took arms in order to assist the king. Crom. 66. 2. Henderson deposes, that he gave an evasive answer to Mr. John Moncrief, who inquired where he had been that morning, because the earl had commanded him not to let any man know that he had been at Falkland. Disc. 54. Moncrief deposes to the same purpose. Crom. 64. And yet George Hay, afterwards lord Kinnoul, and the chancellor of Scotland, and Peter Hay, depose, that the earl, in their presence, asked Henderson, 'Whom he found with the king at Falkland?' Crom. 70, 71. Which question seems to prove that he did not aim at keeping that journey a secret. In the Collection of Criminal Trials, published by Mr. Arnot in 1785, the evidence against the two brothers has been considered with great attention. P. 20, etc.

1601. soon distinguished by the queen, who, with a profusion uncommon to her, conferred on him, even in his earliest youth, the highest honours. Nor did this diminish the esteem and affection of his countrymen; but, by a rare felicity, he was at once the favourite of his sovereign, and the darling of the people. Cecil, on the other hand, educated in a court, and trained under a father deeply skilled in all its arts, was crafty, insinuating, industrious; and though possessed of talents which fitted him for the highest offices, he did not rely upon his merit alone for attaining them, but availed himself of every advantage, which his own address, or the mistakes of others, afforded him. Two such men were formed to be rivals and enemies. Essex despised the arts of Cecil as low and base. To Cecil, the earl's magnanimity appeared to be presumption and folly. All the military men, except Raleigh, favoured Essex. Most of the courtiers adhered to Cecil, whose manners more nearly resembled their own.

His correspondence with the Scottish king.

As Elizabeth advanced in years, the struggle between these factions became more violent. Essex, in order to strengthen himself, had early courted the friendship of the king of Scots, for whose right of succession he was a zealous advocate, and held a close correspondence both with him and with his principal ministers. Cecil, devoted to the queen alone, rose daily to new honours, by the assiduity of his services, and the patience with which he expected the reward of them: while the earl's high spirit and impetuosity sometimes exposed him to checks from a mistress, who, though partial in her affection toward him, could not easily bear contradiction, and who conferred favours often unwillingly, and always slowly. His own solicitations, however, seconded maliciously by his enemies, who wished to remove him at a distance from court, advanced him to the command of the army employed in Ireland against Tyronne, and to the office of lord lieutenant of that kingdom, with a commission almost unlimited. His

success in that expedition did not equal either his own promises, or the expectations of Elizabeth. The queen, peevish from her disappointment, and exasperated against Essex by the artifices of his enemies, wrote him a harsh letter, full of accusations and reproaches. These his impatient spirit could not bear, and, in the first transports of his resentment, he proposed to carry over a part of his army into England, and, by driving his enemies from the queen's presence, to reinstate himself in favour and in power. But, upon more mature thoughts, he abandoned this rash design, and, setting sail with a few officers devoted to his person, landed in England, and posted directly to court. Elizabeth received him without any symptom either of affection or of displeasure. By proper compliances and acknowledgments, he might have regained his former ascendant over the queen. But he thought himself too deeply injured to submit to these. Elizabeth, on the other hand, determined to subdue his haughty temper; and though her severity drew from him the most humble letters, she confined him to the lord keeper's house, and appointed commissioners to try him, both for his conduct during his government of Ireland, and for leaving that kingdom without her permission. By their sentence, he was suspended from all his offices, except that of master of the horse, and continued a prisoner during the queen's pleasure. Satisfied with having mortified his pride thus far, Elizabeth did not suffer the sentence to be recorded, and soon after allowed him to retire to his own house. During these transactions, which occupied several months, Essex fluctuated between the allegiance he owed to his sovereign, and the desire of revenge; and sometimes leaned to the one, and sometimes to the other. In one of the intervals when the latter prevailed, he sent a messenger into Scotland, to encourage the king to assert his own right to the succession by force of arms, and to promise, that, besides the assistance of 1601.

1601. the earl and all his friends in England, lord Mountjoy, now lord lieutenant of Ireland, would join him with five thousand men from that kingdom. But James did not choose to hazard the losing of a kingdom, of which he was just about to obtain possession, by a premature attempt to seize it. Mountjoy, too, declined the enterprise, and Essex adopted more dutiful schemes; all thoughts of ambition appearing to be totally effaced out of his mind.

James's cautious conduct.

The wild attempts of Essex.

This moderation, which was merely the effect of disgust and disappointment, was not of long continuance; and the queen, having not only refused to renew a lucrative grant which she had formerly bestowed, but even to admit him into her presence, that new injury drove a temper, naturally impatient, and now much fretted, to absolute despair. His friends, instead of soothing his rage, or restraining his impetuosity, added to both by their imprudent and interested zeal. After many anxious consultations, he determined to attempt to redress his wrongs by violence. But being conscious how unpopular such an enterprise would be, if it appeared to proceed from motives of private revenge alone, he endeavoured to give it the semblance of public utility, by mingling the king of Scotland's interest with his own. He wrote to James, that the faction which now predominated in the English court, had resolved to support the pretensions of the infanta of Spain to the crown; that the places of the greatest importance in the kingdom were put into the hands of his avowed enemies; and that unless he sent ambassadors, without delay, to insist on the immediate declaration of his right of succession, their measures were so well concerted, that all his hopes would be desperate. James, who knew how disagreeable such a proposal would be to the queen of England, was not willing rashly to expose himself to her displeasure. Essex, nevertheless, blinded by resentment, and impatient for revenge, abandoned himself to these passions, and acted like a man guided by

phrensy or despair. With two or three hundred followers incompletely armed, he attempted to assault a throne the best established in Europe. Sallying at their head out of his own house, he called on the citizens of London, if they either valued his life, or wished to preserve the kingdom from the dominion of the Spaniards, to take arms, and to follow his standard. He advanced towards the palace with an intention to drive Cecil and his faction out of the queen's presence, and to obtain a declaration of the Scottish king's right of succession[b]. But, though almost adored by the citizens, not a man would join him in this wild enterprise. Dispirited by their indifference, deserted by some of his own attendants, and almost surrounded by the troops which marched against him under different leaders into the city, he retreated to his own house; and without any bold effort suitable to his present condition, or worthy of his former reputation for courage, he surrendered to his enemies. 1601.

As soon as James heard of Essex's ill success, he appointed the earl of Mar, and Bruce, abbot of Kinloss, to repair as his ambassadors to the court of England. The former of these was the person by whose means Essex had carried on his correspondence with the king. He was a passionate admirer of the earl's character, and disposed to attempt every thing that could contribute to his safety. Bruce, united in a close friendship with Mar, was ready to second him with equal zeal. Nor was the purpose of the embassy less friendly to Essex, than the choice of his ambassadors: they were commanded to solicit, in the warmest manner, for the earl's life; and if they found that the king, by avowing his friends, could either promote their designs, or contribute to their safety, they were empowered to lay aside all disguise, and to promise that he would put himself at their head, and claim what was due to him by force of arms[c]. But before the ambassadors could reach London, Essex had His death.

[b] Birch. Mem. ii. 477. [c] Johnst. 289. Birch. Mem. ii. 510.

1601. suffered the punishment which he merited by his treason. Perhaps, the fear of their interposing, in order to obtain his pardon, hastened his death. Elizabeth continued for some time irresolute concerning his fate, and could not bring herself to consign into the hands of the executioner, a man who had once possessed her favour so entirely, without a painful struggle between her resentment against his late misconduct, and her ancient affection towards him. The distress to which she was now reduced, tended naturally to soften the former, while it revived the latter with new tenderness; and the intercession of one faithful friend who had interest with the queen, might perhaps have saved his life, and have procured him a remission, which, of herself, she was ashamed to grant. But this generous nobleman had at that time no such friend. Elizabeth solicited incessantly by her ministers, and offended with the haughtiness of Essex, who, as she imagined, scorned to sue for pardon, at last commanded the sentence to be put in execution. No sooner was the blow struck, than she repented of her own rashness, and bewailed his death with the deepest sorrow. James always considered him as one who had fallen a martyr to his service, and, after his accession to the English throne, restored his son to his honours, as well as all his associates in the conspiracy, and distinguished them with his favour[d].

James continues his intrigues in England.

The Scottish ambassadors, finding that they had arrived too late to execute the chief business committed to their charge, not only concealed that part of their instructions with the utmost care; but congratulated the queen, in their master's name, on her happy escape from such an audacious conspiracy. Elizabeth, though no stranger to the king's correspondence with Essex, or to that nobleman's intentions of asserting James's right to the crown, was not willing that these should be

[d] Camd. Spotsw. 464.

known to the people, and, for that reason, received the congratulations of the Scottish ambassadors with all possible marks of credit and good-will; and, in order to sooth James, and to preserve the appearances of union between the two courts, increased the subsidy which she paid him annually. The ambassadors resided for some time in England, and were employed with great success in renewing and extending the intrigues which Bruce had formerly entered into with the English nobles. As Elizabeth advanced in years, the English turned their eyes more and more towards Scotland, and were eager to prevent each other in courting the favour of their future monarch. Assurances of attachment, professions of regard, and promises of support, were offered to James from every corner of the kingdom. Cecil himself, perceiving what hopes Essex had founded on the friendship of the Scottish king, and what advantages he might have derived from it, thought it prudent to stand no longer at a distance from a prince, who might so soon become his master. But being sensible at the same time how dangerous such an intercourse might prove, under a mistress naturally jealous, and whose jealousy grew stronger with old age; though he entered into a correspondence with him, he carried it on with all the secrecy and caution necessary in his situation, and peculiar to his character[e]. James, having gained the man whose opposition and influence he had hitherto chiefly dreaded, waited, in perfect security, till that event should happen, which would open his way to the throne of England[f]. It was with some difficulty that he restrained within proper bounds his adherents 1601.

[e] See Appendix, No. LIII.

[f] Dr. Birch, in his Life of Prince Henry, p. 232, has given some account of the mysterious mode in which this correspondence was carried on, and how the letters were conveyed from London to Dublin, and from thence to Scotland. Notwithstanding the solicitude which Cecil repeatedly discovers, that his letters should be destroyed as soon as the king had read them, a considerable number of them has been preserved, and published by sir David

1601. in that kingdom, who, labouring to distinguish themselves by that officious zeal, with which a prince, who has a near prospect of mounting the throne, is always served, urged him to allow a motion to be made in parliament for declaring his right of succession to the crown. James prudently discouraged that design; but it was with no small satisfaction that he observed the ascendant he was acquiring in a court, the dictates of which he had been so long obliged to obey; and which had either prescribed or thwarted every step he had taken during the whole course of his reign[g].

1602. Attempts to civilize the highlanders.

Notwithstanding the violent struggles of the political factions which divided the court, and the frequent revolutions which had happened there, since the king first took the reins of government into his own hands, Scotland had enjoyed unusual tranquillity, being undisturbed by any foreign enemy, and free from any intestine commotion of long continuance. During this period, James endeavoured to civilize the highlands and the isles, a part of his dominions too much neglected by former monarchs, though the reformation of it was an object highly worthy of their care. The long peace with England had afforded an opportunity of subduing the licentious spirit of the borderers, and of restraining their depredations, often no less ruinous to their countrymen than to their enemies. The inhabitants of the low country began, gradually, to forget the use of arms, and to become attentive to the arts of peace. But the highlanders, retaining their natural fierceness, averse from labour, and inured to rapine, infested their more industrious neighbours by their continual incursions. James, being solicitous not only to repress their inroads, but to render them useful sub-

Dalrymple, in the year 1766. They were written by lord Henry Howard, under the inspection of Cecil, in a style affectedly obscure. The whole correspondence is more curious than instructive.

[g] Spotsw. 467. 471. Birch. Mem. ii. 514.

jects[h], had, at different times, enacted many wise laws extremely conducive to these ends. All landlords, or chiefs of clans, were enjoined to permit no persons to reside in their estates, who could not find sufficient surety for their good behaviour; they were required to make a list of all suspicious persons under their jurisdiction, to bind themselves to deliver them to justice, and to indemnify those who should suffer by their robberies; and, in order to ascertain the faithful performance of these articles, the chiefs themselves were obliged to give hostages to the king, or to put pledges in his hands. Three towns, which might serve as a retreat for the industrious, and a nursery for arts and commerce, were appointed to be built in different parts of the highlands; one in Cantire, another in Lochaber, and a third in the isle of Lewis; and, in order to draw inhabitants thither, all the privileges of royal boroughs were to be conferred upon them. Finding it, however, to be no easy matter to inspire the natives of those countries with the love of industry, a resolution was taken to plant among them colonies of people from the more industrious counties. The first experiment was made on the isle of Lewis; and as it was advantageously situated for the fishing trade, a source from which Scotland ought naturally to derive great wealth, the colony transported thither was drawn out of Fife, the inhabitants of which were well skilled in that branch of commerce. But before they had remained there long enough to manifest the good effects of this institution, the islanders, enraged at seeing their country occupied by those intruders, took arms, and, surprising them in the night-time, murdered some of them, and compelled the rest to abandon the settlement. The king's attention being soon after turned to other subjects, we hear no more of this salutary project. Though James did not pursue the design with that steady application and 1602.

[h] Basil. Dor. 139.

1602. perseverance, without which it is impossible to change the manners of a whole people, he had the glory, however, not only of having first conceived the thought, but of having first pointed out the proper method of introducing the civil arts of life into that part of the island[i].

Elizabeth's last illness and death.

After having long enjoyed a good state of health, the effect of a sound constitution, and the reward of uncommon regularity and temperance, Elizabeth began this winter to feel her vigour decrease, and to be sensible of the infirmities of old age. Having removed on a very stormy day from Westminster to Richmond, whither she was impatient to retire, her complaints increased. She had no formed fever; her pulse was good; but she eat little, and could not sleep. Her distemper seemed to proceed from a deep melancholy, which appeared both in her countenance and behaviour. She delighted in solitude; she sat constantly in the dark; and was often drowned in tears.

1603. Jan. 31.

No sooner was the queen's indisposition known, than persons of all ranks, and of all different sects and parties, redoubled their applications to the king of Scots, and vied with each other in professions of attachment to his person, and in promises of submission to his government. Even some of Elizabeth's own servants, weary of the length of her reign, fond of novelty, impatient to get rid of the burthen of gratitude for past benefits, and expecting to share in the liberality of a new prince, began to desert her: and crowds of people hurried towards Scotland, eager to preoccupy the favour of the successor, or afraid of being too late in paying homage to him.

Meanwhile, the queen's disease increased, and her melancholy appeared to be settled and incurable. Various conjectures were formed concerning the causes of a disorder, from which she seemed to be exempted by

[i] Parl. 1587. 1594. 1597. Spotsw. 468.

the natural cheerfulness of her temper. Some imputed it to her being forced, contrary to her inclination, to pardon the earl of Tyronne, whose rebellion had for many years created her much trouble. Others imagined that it arose from observing the ingratitude of her courtiers, and the levity of her people, who beheld her health declining with most indecent indifference, and looked forward to the accession of the Scottish king, with an impatience which they could not conceal. The most common opinion, at that time, and perhaps the most probable, was, that it flowed from grief for the earl of Essex. She retained an extraordinary regard for the memory of that unfortunate nobleman; and, though she often complained of his obstinacy, seldom mentioned his name without tears[k]. An accident happened soon after her retiring to Richmond, which revived her affection with new tenderness, and embittered her sorrows. The countess of Nottingham, being on her death-bed, desired to see the queen, in order to reveal something to her, without discovering which, she could not die in peace. When the queen came into her chamber, she told her, that while Essex lay under sentence of death, he was desirous of imploring pardon in the manner which the queen herself had prescribed, by returning a ring, which during the height of his favour she had given him, with a promise that if, in any future distress, he sent that back to her as a token, it should entitle him to her protection; that lady Scrope was the person he intended to employ in order to present it; that, by a mistake, it was put into her hands instead of lady Scrope's; and, that she having communicated the matter to her husband, one of Essex's most implacable enemies, he had forbid her either to carry the ring to the queen, or to return it to the earl. The countess having thus disclosed her secret, begged the queen's forgiveness; but Elizabeth, 1603.

[k] Birch. Mem. ii. 505.

1603. who now saw both the malice of the earl's enemies, and how unjustly she had suspected him of inflexible obstinacy, replied, "God may forgive you, but I never can;" and left the room in great emotion[l]. From that moment, her spirit sunk entirely; she could scarce taste food; she refused all the medicines prescribed by her physicians; declaring that she wished to die, and would live no longer. No entreaty could prevail on her to go to bed; she sat on cushions, during ten days and nights, pensive and silent, holding her finger almost continually in her mouth, with her eyes open, and fixed on the ground. The only thing to which she seemed to give any attention, was the acts of devotion performed in her apartment by the archbishop of Canterbury; and in these she joined with great appearance of fervour. Wasted, at last, as well by anguish of mind, as by long abstinence, she expired, without a struggle, on Thursday the twenty-fourth day of March, in the seventieth year of her age, and in the forty-fifth of her reign[m].

Her character.

Foreigners often accuse the English of indifference

[l] This anecdote concerning Elizabeth was first published by Osborne, Mem. of Eliz. p. 23; is confirmed by the testimony of de Maurier, Mém. 260, and by the traditional evidence of lady Elizabeth Spelman, published by Dr. Birch, Negoc. 106. Camden mentions the queen's grief for Essex's death as one of the causes of her melancholy. Some original papers remain, which prove that this was commonly believed at the time. Birch. Mem. ii. 506. Essex, however, had been beheaded two years before her death, and there seems to have been no other reason, but that which we have assigned, why her sorrows should revive with so much violence at so great a distance of time. As the death of the countess of Nottingham happened about a fortnight before the queen's death, the coincidence of these events, together with the other evidence mentioned, adds so much probability to the story related by Osborne, as will entitle it to a place in history. The only objection to the account we have given of Elizabeth's attachment to Essex, arises from her great age. At the age of sixty-eight, the amorous passions are commonly abundantly cool, and the violence of all the passions, except one, is much abated. But the force of this objection is entirely removed by an author who has illustrated many passages in the English history, and adorned more. Catalogue of Royal and Noble Authors, article Essex.

[m] Camd. Birch. Mem. ii. 506. Birch. Negoc. 266. Strype, iv. 373.

and disrespect towards their princes; but without rea- 1603.
son. No people are more grateful than they to those monarchs who merit their gratitude. The names of Edward the third and Henry the fifth are mentioned by the English of this age with the same warmth as they were by those who shared in the blessings and splendour of their reigns. The memory of Elizabeth is still adored in England. The historians of that kingdom, after celebrating her love of her people; her sagacity in discerning their true interest; her steadiness in pursuing it; her wisdom in the choice of her ministers; the glory she acquired by arms; the tranquillity she secured to her subjects; and the increase of fame, of riches, and of commerce, which were the fruits of all these; justly rank her among the most illustrious princes. Even the defects in her character, they observe, were not of a kind pernicious to her people. Her excessive frugality was not accompanied with the love of hoarding; and though it prevented some great undertakings, and rendered the success of others incomplete, it introduced economy into her administration, and exempted the nation from many burthens, which a monarch more profuse or more enterprising must have imposed. Her slowness in rewarding her servants sometimes discouraged useful merit; but it prevented the undeserving from acquiring power and wealth, to which they had no title. Her extreme jealousy of those princes who pretended to dispute her right to the crown, led her to take such precautions, as tended no less to the publick safety than to her own; and to court the affections of her people, as the firmest support of her throne. Such is the picture which the English draw of this great queen.

Whoever undertakes to write the history of Scotland, finds himself obliged, frequently, to view her in a very different and in a less amiable light. Her authority in that kingdom, during the greater part of her reign, was little inferior to that which she possessed in her

1603. own. But this authority, acquired at first by a service of great importance to the nation, she exercised in a manner extremely pernicious to its happiness. By her industry in fomenting the rage of the two contending factions; by supplying the one with partial aid; by feeding the other with false hopes; by balancing their power so artfully, that each of them was able to distress, and neither of them to subdue the other; she rendered Scotland long the seat of discord, confusion, and bloodshed; and her craft and intrigues, effecting what the valour of her ancestors could not accomplish, reduced that kingdom to a state of dependence on England. The maxims of policy, often little consonant to those of morality, may, perhaps, justify this conduct. But no apology can be offered for her behaviour to queen Mary; a scene of dissimulation without necessity; and of severity beyond example. In almost all her other actions, Elizabeth is the object of our highest admiration; in this we must allow that she not only laid aside the magnanimity which became a queen, but the feelings natural to a woman.

James proclaimed king of England.

Though Elizabeth would never permit the question concerning the right of succession to the crown to be determined in parliament; nor declare her own sentiments concerning a point which she wished to remain an impenetrable mystery; she had, however, formed no design of excluding the Scottish king from an inheritance to which his title was undoubted. A short time before her death, she broke the silence which she had so long preserved on that subject, and told Cecil and the lord admiral, "That her throne was the throne of kings; that she would have no mean person to ascend it, and that her cousin, the king of Scots, should be her successor." This she confirmed on her death-bed. As soon as she breathed her last, the lords of the privy council proclaimed James king of England. All the intrigues carried on by foreigners in favour of the infanta, all the cabals formed within the kingdom to sup-

port the titles of lady Arabella and the earl of Hartford, disappeared in a moment; the nobles and people, forgetting their ancient hostilities with Scotland, and their aversion for the dominion of strangers, testified their satisfaction with louder acclamations than were usual at the accession of their native princes. Amidst this tumult of joy, a motion made by a few patriots, who proposed to prescribe some conditions to the successor, and to exact from him the redress of some grievances, before they called him to the throne, was scarcely heard; and Cecil, by stifling it, added to his stock of merit with his new master. Sir Charles Percy, brother of the earl of Northumberland, and Thomas Somerset, the earl of Worcester's son, were despatched to Scotland, with a letter to the king, signed by all the peers and privy counsellors then in London; informing him of the queen's death, of his accession to the throne, of their care to recognise his title, and of the universal applause with which the public proclamation of it had been attended. They made the utmost haste to deliver this welcome message; but were prevented by the zeal of sir Robert Carey, lord Hunsdon's youngest son, who, setting out a few hours after Elizabeth's death, arrived at Edinburgh on Saturday night, just as the king had gone to bed. He was immediately admitted into the royal apartment, and, kneeling by the king's bed, acquainted him with the death of Elizabeth, saluted him king of England, Scotland, France, and Ireland; and as a token of the truth of the intelligence which he brought, presented him a ring, which his sister, lady Scrope, had taken from the queen's finger after her death. James heard him with a decent composure. But as Carey was only a private messenger, the information which he brought was not made public, and the king kept his apartment till the arrival of Percy and Somerset. Then his titles were solemnly proclaimed; and his own subjects expressed no less joy than the English, at this increase of his dignity. As his pre- 1603.

1603. sence was absolutely necessary in England, where the people were extremely impatient to see their new sovereign, he prepared to set out for that kingdom without delay. He appointed his queen to follow him within a few weeks. He committed the government of Scotland to his privy council. He entrusted the care of his children to different noblemen. On the Sunday before his departure, he repaired to the church of St. Giles, and after hearing a sermon, in which the preacher displayed the greatness of the divine goodness in raising him to the throne of such a powerful kingdom without opposition or bloodshed, and exhorted him to express his gratitude, by promoting, to the utmost, the happiness and prosperity of his subjects; the king rose up, and, addressing himself to the people, made many professions of unalterable affection towards them; promised to visit Scotland frequently; assured them that his Scottish subjects, notwithstanding his absence, should feel that he was their native prince, no less than when he resided among them; and might still trust that his ears should be always open to their petitions, which he would answer with the alacrity and love of a parent. His words were often interrupted by the tears of the whole audience; who, though they exulted at the king's prosperity, were melted into sorrow by these tender declarations [n].

Takes possession of the throne.

On the fifth of April he began his journey, with a splendid, but not a numerous train; and next day he entered Berwick. Wherever he came, immense multitudes were assembled to welcome him; and the principal persons in the different counties through which he passed, displayed all their wealth and magnificence in entertainments prepared for him at their houses. Elizabeth had reigned so long in England, that most of her subjects remembered no other court but hers, and their notions of the manners and decorums suitable to

[n] Spotsw. 476.

a prince were formed upon what they had observed there. It was natural to apply this standard to the behaviour and actions of their new monarch, and to compare him, at first sight, with the queen, on whose throne he was to be placed. James, whose manners were extremely different from hers, suffered by the comparison. He had not that flowing affability, by which Elizabeth captivated the hearts of her people; and, though easy among a few whom he loved, his indolence could not bear the fatigue of rendering himself agreeable to a mixed multitude. He was no less a stranger to that dignity with which Elizabeth tempered her familiarity. And, instead of that well-judged frugality with which she conferred titles of honour, he bestowed them with an undistinguishing profusion, that rendered them no longer marks of distinction, or rewards of merit. But these were the reflections of the few alone; the multitude continued their acclamations; and, amidst these, James entered London on the seventh of May, and took peaceable possession of the throne of England. 1603.

Conclusion.

Thus were united two kingdoms, divided from the earliest accounts of time, but destined, by their situation, to form one great monarchy. By this junction of its whole native force, Great Britain hath risen to an eminence and authority in Europe, which England and Scotland, while separate, could never have attained.

A view of the revolutions in the constitution of Scotland since the accession of James the sixth.

The Scots had so long considered their monarchs as next heirs to the English throne, that they had full leisure to reflect on all the consequences of their being advanced to that dignity. But, dazzled with the glory of giving a sovereign to their powerful enemy, relying on the partiality of their native prince, and in full expectation of sharing liberally in the wealth and honours which he would now be able to bestow, they attended little to the most obvious consequences of that great event, and rejoiced at his accession to the throne of England, as if it had been no less beneficial to the

kingdom, than honourable to the king. They soon had reason, however, to adopt very different sentiments; and from that period we may date a total alteration in the political constitution of Scotland.

The feudal aristocracy, which had been subverted in most nations of Europe by the policy of their princes, or had been undermined by the progress of commerce, still subsisted with full force in Scotland. Many causes had contributed gradually to augment the power of the Scottish nobles; and even the reformation, which, in every other country where it prevailed, added to the authority of the monarch, had increased their wealth and influence. A king, possessed of a small revenue, with a prerogative extremely limited, and unsupported by a standing army, could not exercise much authority over such potent subjects. He was obliged to govern by expedients; and the laws derived their force not from his power to execute them, but from the voluntary submission of the nobles. But though this produced a species of government extremely feeble and irregular; though Scotland, under the name, and with all the outward ensigns of a monarchy, was really subject to an aristocracy, the people were not altogether unhappy; and, even in this wild form of a constitution, there were principles which tended to their security and advantage. The king, checked and overawed by the nobles, durst venture upon no act of arbitrary power. The nobles, jealous of the king, whose claims and pretensions were many, though his power was small, were afraid of irritating their dependents, by unreasonable exactions, and tempered the rigour of aristocratical tyranny, with a mildness and equality to which it is naturally a stranger. As long as the military genius of the feudal government remained in vigour, the vassals both of the crown and of the barons were generally not only free from oppression, but were courted by their superiors, whose power and importance were founded on their attachment and love.

But, by his accession to the throne of England, James acquired such an immense accession of wealth, of power, and of splendour, that the nobles, astonished and intimidated, thought it vain to struggle for privileges which they were now unable to defend. Nor was it from fear alone that they submitted to the yoke: James, partial to his countrymen, and willing that they should partake in his good fortune, loaded them with riches and honours; and the hope of his favour concurred with the dread of his power, in taming their fierce and independent spirits. The will of the prince became the supreme law in Scotland; and the nobles strove, with emulation, who should most implicitly obey commands, which they had formerly been accustomed to contemn. Satisfied with having subjected the nobles to the crown, the king left them in full possession of their ancient jurisdiction over their own vassals. The extensive rights, vested in a feudal chief, became in their hands dreadful instruments of oppression; and the military ideas, on which these rights were founded, being gradually lost or disregarded, nothing remained to correct or to mitigate the rigour with which they were exercised. The nobles, exhausting their fortunes by the expense of frequent attendance upon the English court, and by attempts to imitate the manners and luxury of their more wealthy neighbours, multiplied exactions upon the people, who durst hardly utter complaints which they knew would never reach the ear of their sovereign, nor move him to grant them any redress. From the union of the crowns to the revolution in one thousand six hundred and eighty-eight, Scotland was placed in a political situation, of all others the most singular and the most unhappy; subjected at once to the absolute will of a monarch, and to the oppressive jurisdiction of an aristocracy, it suffered all the miseries peculiar to both these forms of government. Its kings were despotic; its nobles were slaves and tyrants; and the people groaned under the rigorous domination of both.

During this period, the nobles, it is true, made one effort to shake off the yoke, and to regain their ancient independency. After the death of James, the Scottish nation was no longer viewed by our monarchs with any partial affection. Charles the first, educated among the English, discovered no peculiar attachment to the kingdom of which he was a native. The nobles, perceiving the sceptre to be now in hands less friendly, and swayed by a prince with whom they had little connexion, and over whose councils they had little influence, no longer submitted with the same implicit obedience. Provoked by some encroachments of the king on their order, and apprehensive of others, the remains of their ancient spirit began to appear. They complained and remonstrated. The people being, at the same time, violently disgusted at the innovations in religion, the nobles secretly heightened this disgust; and their artifices, together with the ill-conduct of the court, raised such a spirit, that the whole nation took arms against their sovereign, with an union and animosity of which there had formerly been no example. Charles brought against them the forces of England, and, notwithstanding their own union, and the zeal of the people, the nobles must have sunk in the struggle. But the disaffection which was growing among his English subjects, prevented the king from acting with vigour. A civil war broke out in both kingdoms; and after many battles and revolutions, which are well known, the Scottish nobles, who first began the war, were involved in the same ruin with the throne. At the restoration, Charles the second regained full possession of the royal prerogative in Scotland; and the nobles, whose estates were wasted, or their spirit broken, by the calamities to which they had been exposed, were less able and less willing than ever to resist the power of the crown. During his reign, and that of James the seventh, the dictates of the monarch were received in Scotland with most abject submis-

sion. The poverty to which many of the nobles were reduced, rendered them meaner slaves and more intolerable tyrants than ever. The people, always neglected, were now odious, and loaded with every injury, on account of their attachment to religious and political principles, extremely repugnant to those adopted by their princes.

The revolution introduced other maxims into the government of Scotland. To increase the authority of the prince, or to secure the privileges of the nobles, had hitherto been almost the sole object of our laws. The rights of the people were hardly ever mentioned, were disregarded, or unknown. Attention began, henceforward, to be paid to the welfare of the people. By the 'claim of right,' their liberties were secured; and, the number of their representatives being increased, they gradually acquired new weight and consideration in parliament. As they came to enjoy more security, and greater power, their minds began to open, and to form more extensive plans of commerce, of industry, and of police. But the aristocratical spirit, which still predominated, together with many other accidents, retarded the improvement and happiness of the nation.

Another great event completed what the revolution had begun. The political power of the nobles, already broken by the union of the two crowns, was almost annihilated by the union of the two kingdoms. Instead of making a part, as formerly, of the supreme assembly of the nation; instead of bearing the most considerable sway there, the peers of Scotland are admitted into the British parliament by their representatives only, and form but an inconsiderable part of one of those bodies in which the legislative authority is vested. They themselves are excluded absolutely from the house of commons, and even their eldest sons are not permitted to represent their countrymen in that august assembly.

Nor have their feudal privileges remained, to compensate for this extinction of their political authority. As commerce advanced in its progress, and government attained nearer to perfection, these were insensibly circumscribed, and at last, by laws no less salutary to the public, than fatal to the nobles, they have been almost totally abolished. As the nobles were deprived of power, the people acquired liberty. Exempted from burthens, to which they were formerly subject; screened from oppression, to which they had been long exposed, and adopted into a constitution whose genius and laws were more liberal than their own, they have extended their commerce, refined their manners, made improvements in the elegancies of life, and cultivated the arts and sciences.

This survey of the political state of Scotland, in which events and their causes have been mentioned rather than developed, enables us to point out three æras, from each of which we may date some great alteration in one or other of the three different members of which the supreme legislative assembly in our constitution is composed. At their 'accession' to the throne of England, the kings of Scotland, once the most limited, became, in an instant, the most absolute princes in Europe, and exercised a despotic authority, which their parliaments were unable to control, or their nobles to resist. At the 'union' of the two kingdoms, the feudal aristocracy which had subsisted so many ages, and with power so exorbitant, was overturned, and the Scottish nobles, having surrendered rights and preeminences peculiar to their order, reduced themselves to a condition which is no longer the terrour and envy of other subjects. 'Since the union,' the commons, anciently neglected by their kings, and seldom courted by the nobles, have emerged into dignity; and, being admitted to a participation of all the privileges which the English had purchased at the expense

of so much blood, must now be deemed a body not less considerable in the one kingdom, than they have long been in the other.

The church felt the effects of the absolute power which the king acquired by his accession; and its revolutions, too, are worthy of notice. James, during the latter years of his administration in Scotland, had revived the name and office of bishops. But they possessed no ecclesiastical jurisdiction or preeminence; their revenues were inconsiderable, and they were scarcely distinguished by any thing but by their seat in parliament, and by being the object of the clergy's jealousy, and the people's hatred. The king, delighted with the splendour and authority which the English bishops enjoyed, and eager to effect an union in the ecclesiastical policy, which he had in vain attempted in the civil government of the two kingdoms, resolved to bring both churches to an exact conformity with each other. Three Scotsmen were consecrated bishops at London. From them their brethren were commanded to receive orders. Ceremonies unknown in Scotland were imposed; and though the clergy, less obsequious than the nobles, boldly opposed these innovations, James, long-practised, and well-skilled in the arts of managing them, obtained at length their compliance. But Charles the first, a superstitious prince, unacquainted with the genius of the Scots, imprudent and precipitant in all the measures he pursued in that kingdom, pressing too eagerly the reception of the English liturgy, and indiscreetly attempting a resumption of church lands, kindled the flames of civil war; and the people being left at liberty to indulge their own wishes, the episcopal church was overturned, and the presbyterian government and discipline were re-established with new vigour. Together with monarchy, episcopacy was restored in Scotland. A form of government, so odious to the people, required force to uphold it; and though not only the whole rigour of

authority, but all the barbarity of persecution, were employed in its support, the aversion of the nation was insurmountable, and it subsisted with difficulty. At the revolution, the inclinations of the people were thought worthy the attention of the legislature, the presbyterian government was again established, and, being ratified by the union, is still maintained in the kingdom.

Nor did the influence of the accession extend to the civil and ecclesiastical constitutions alone; the genius of the nation, its taste and spirit, things of a nature still more delicate, were sensibly affected by that event. When learning revived in the fifteenth and sixteenth centuries, all the modern languages were in a state extremely barbarous, devoid of elegance, of vigour, and even of perspicuity. No author thought of writing in languages so ill adapted to express and embellish his sentiments, or of erecting a work for immortality with such rude and perishable materials. As the spirit, which prevailed at that time, did not owe its rise to any original effort of the human mind, but was excited chiefly by admiration of the ancients, which began then to be studied with attention in every part of Europe, their compositions were deemed not only the standards of taste and of sentiment, but of style; and even the languages in which they wrote were thought to be peculiar, and almost consecrated to learning and the muses. Not only the manner of the ancients was imitated, but their language was adopted; and, extravagant as the attempt may appear to write in a dead tongue, in which men were not accustomed to think, and which they could not speak, or even pronounce, the success of it was astonishing. As they formed their style upon the purest models: as they were uninfected with those barbarisms, which the inaccuracy of familiar conversation, the affectation of courts, intercourse with strangers, and a thousand other causes, introduce into living languages, many moderns have

attained to a degree of elegance in their Latin compositions, which the Romans themselves scarce possessed beyond the limits of the Augustan age. While this was almost the only species of composition, and all authors, by using one common language, could be brought to a nearer comparison, the Scottish writers were not inferior to those of any other nation. The happy genius of Buchanan, equally formed to excel in prose and in verse, more various, more original, and more elegant, than that of almost any other modern who writes in Latin, reflects, with regard to this particular, the greatest lustre on his country.

But the labour attending the study of a dead tongue was irksome; the unequal return for their industry which authors met with, who could be read and admired only within the narrow circle of the learned, was mortifying; and men, instead of wasting half their lives in learning the language of the Romans, began to refine and to polish their own. The modern tongues were found to be susceptible of beauties and graces, which, if not equal to those of the ancient ones, were at least more attainable. The Italians having first set the example, Latin was no longer used in works of taste; it was confined to books of science; and the politer nations have banished it even from these. The Scots, we may presume, would have had no cause to regret this change in the public taste, and would still have been able to maintain some equality with other nations, in their pursuit of literary honour. The English and Scottish languages, derived from the same sources, were, at the end of the sixteenth century, in a state nearly similar, differing from one another somewhat in orthography, though not only the words, but the idioms were much the same. The letters of several Scottish statesmen of that age are not inferior in elegance, or in purity, to those of the English ministers with whom they corresponded. James himself was

master of a style far from contemptible; and, by his example and encouragement, the Scottish language might have kept pace with the English in refinement. Scotland might have had a series of authors in its own, as well as in the Latin language, to boast of; and the improvements in taste, in the arts, and in the sciences, which spread over the other polished nations of Europe, would not have been unknown there.

But, at the very time when other nations were beginning to drop the use of Latin in works of taste, and to make trial of the strength and compass of their own languages, Scotland ceased to be a kingdom. The transports of joy, which the accession at first occasioned, were soon over: and the Scots, being at once deprived of all the objects that refine or animate a people; of the presence of their prince; of the concourse of nobles; of the splendour and elegance of a court, an universal dejection of spirit seems to have seized the nation. The court being withdrawn, no domestic standard of propriety and correctness of speech remained; the few compositions that Scotland produced were tried by the English standard, and every word or phrase that varied in the least from that, was condemned as barbarous; whereas, if the two nations had continued distinct, each might have retained idioms and forms of speech peculiar to itself; and these, rendered fashionable by the example of a court, and supported by the authority of writers of reputation, might have been viewed in the same light with the varieties occasioned by the different dialects in the Greek tongue; they even might have been considered as beauties; and in many cases might have been used promiscuously by the authors of both nations. But, by the accession, the English naturally became the sole judges and lawgivers in language, and rejected, as solecisms, every form of speech to which their ear was not accustomed. Nor did the Scots, while the intercourse between the two

nations was inconsiderable[o], and ancient prejudices were still so violent as to prevent imitation, possess the means of refining their own tongue according to the purity of the English standard. On the contrary, new corruptions flowed into it from every different source. The clergy of Scotland, in that age, were more eminent for piety than for learning; and though there did not arise many authors among them, yet being in possession of the privilege of discoursing publicly to the people, and their sermons being too long, and, perhaps, too frequent, such hasty productions could not be elegant, and many slovenly and incorrect modes of expression may be traced back to that original. The pleadings of lawyers were equally loose and inaccurate; and that profession having furnished more authors, and the matters of which they treat mingling daily in common discourse and business, many of those vitious forms of speech, which are denominated 'Scotticisms,' have been introduced by them into the language. Nor did either the language or public taste receive any improvement in parliament, where a more liberal and more correct eloquence might have been expected. All business was transacted there by the lords of articles; and they were so servilely devoted to the court, that few debates arose, and, prior to the revolution, none were conducted with the spirit and vigour natural to a popular assembly.

Thus, during the whole seventeenth century, the English were gradually refining their language and

[o] A remarkable proof of the little intercourse between the English and Scots before the union of the crowns, is to be found in two curious papers; one published by Haynes, the other by Strype. In the year 1567, Elizabeth commanded the bishop of London to take a survey of all the strangers within the cities of London and Westminster. By this report, which is very minute, it appears that the whole number of Scots at that time was fifty-eight. Haynes, 455. A survey of the same kind was made by sir Thomas Row, lord mayor, a. d. 1568. The number of Scots had then increased to eighty-eight. Strype, iv. Supplement, No. I. On the accession of James, a considerable number of Scots, especially of the higher rank, resorted to England; but it was not till the union that the intercourse between the two kingdoms became great.

their taste: in Scotland the former was much debased, and the latter almost entirely lost. In the beginning of that period, both nations were emerging out of barbarity; but the distance between them, which was then inconsiderable, became, before the end of it, immense. Even after science had once dawned upon them, the Scots seemed to be sinking back into ignorance and obscurity; and, active and intelligent as they naturally are, they continued, while other nations were eager in the pursuit of fame and knowledge, in a state of languor. This, however, must be imputed to the unhappiness of their political situation, not to any defect of genius; for no sooner was the one removed in any degree, than the other began to display itself. The act abolishing the power of the lords of articles, and other salutary laws passed at the revolution, having introduced freedom of debate into the Scottish parliament, eloquence, with all the arts that accompany or perfect it, became immediate objects of attention: and the example of Fletcher of Salton, alone, is sufficient to show that the Scots were still capable of generous sentiments, and, notwithstanding some peculiar idioms, were able to express themselves with energy, and with elegance.

At length, the union having incorporated the two nations, and rendered them one people, the distinctions which had subsisted for many ages gradually wear away; peculiarities disappear; the same manners prevail in both parts of the island; the same authors are read and admired; the same entertainments are frequented by the elegant and polite; and the same standard of taste, and of purity in language, is established. The Scots, after being placed, during a whole century, in a situation no less fatal to the liberty than to the taste and genius of the nation, were at once put in possession of privileges more valuable than those which their ancestors had formerly enjoyed; and every obstruction that had retarded their pursuit, or prevented their acquisition of literary fame, was totally removed.

A

CRITICAL DISSERTATION

CONCERNING THE MURDER OF KING HENRY, AND THE GENUINENESS OF THE QUEEN'S LETTERS TO BOTHWELL.

IT is not my intention to engage in all the controversies to which the murder of king Henry, or the letters from queen Mary to Bothwell, have given rise; far less to appear as an adversary to any particular author, who hath treated of them. To repeat, and to expose all the ill-founded assertions, with regard to these points, which have flowed from inattention, from prejudice, from partiality, from malevolence, and from dishonesty, would be no less irksome to myself, than unacceptable to most of my readers. All I propose, is to assist others in forming some judgment concerning the facts in dispute, by stating the proofs produced on each side, with as much brevity as the case will admit, and with the same attention and impartiality, which I have endeavoured to exercise in examining other controverted points in the Scottish history.

In order to account for the king's murder, two different systems have been formed. The one supposes Bothwell to have contrived and executed this crime. The other imputes it to the earls of Murray, Morton, and their party.

The decision of many controverted facts in history, is a matter rather of curiosity than of use. They stand detached; and whatever we determine with regard to them, the fabric of the story remains untouched. But the fact under dispute in this place is a fundamental and essential one, and according to the opinion which

an historian adopts with regard to it, he must vary and dispose the whole of his subsequent narration. An historical system may be tried in two different ways, whether it be consistent with probability, and whether it be supported by proper evidence.

Those who charge the king's murder upon Bothwell, argue in the following manner; and though their reasonings have been mentioned already in different parts of the narrative, it is necessary to repeat them here. Mary's love for Darnly, say they, was a sudden and youthful passion. The beauty of his person, set off by some external frivolous accomplishments, was his chief merit, and gained her affections. His capricious temper soon raised in the queen a disgust, which broke out on different occasions. His engaging in the conspiracy against Rizio, converted this disgust into an antipathy, which she was at no pains to conceal. This breach was, perhaps, in its own nature, irreparable; the king certainly wanted that art and condescension which alone could have repaired it. It widened every day, and a deep and settled hatred effaced all remains of affection. Bothwell observed this, and was prompted by ambition, and perhaps by love, to found upon it a scheme, which proved fatal both to the queen and to himself. He had served Mary, at different times, with fidelity and success. He insinuated himself into her favour, by address and by flattery. By degrees he gained her heart. In order to gratify his love, or at least his ambition, it was necessary to get rid of the king. Mary had rejected the proposal which, it is said, had been made to her for obtaining a divorce. The king was equally hated by the partisans of the house of Hamilton, a considerable party in the kingdom; by Murray, one of the most powerful and popular persons in his country; by Morton and his associates, whom he had deceived, and whom Bothwell had bound to his interest by a recent favour. Among the people Darnly was fallen under extreme contempt. Bothwell might expect, for all

these reasons, that the murder of the king would pass without any inquiry, and might trust to Mary's love, and to his own address and good fortune, for the accomplishment of the rest of his wishes. What Bothwell expected really came to pass. Mary, if not privy herself to the design, connived at an action which rid her of a man, whom she had such good reason to detest. A few months after the murder of her husband, she married the person who was both suspected and accused of having perpetrated that odious crime.

Those who charge the guilt upon Murray and his party, reason in this manner: Murray, they say, was a man of boundless ambition. Notwithstanding the illegitimacy of his birth, he had early formed a design of usurping the crown. On the queen's return into Scotland, he insinuated himself into her favour, and engrossed the whole power into his own hands. He set himself against every proposal of marriage which was made to her, lest his own chance of succeeding to the crown should be destroyed. He hated Darnly, and was no less hated by him. In order to be revenged on him, he entered into a sudden friendship with Bothwell, his ancient and mortal enemy. He encouraged him to assassinate Henry, by giving him hopes of marrying the queen. All this was done with a design to throw upon the queen herself the imputation of being accessory to the murder, and, under that pretext, to destroy Bothwell, to depose and imprison her, and to seize the sceptre which he had wrested out of her hands.

The former of these systems has an air of probability, is consistent with itself, and solves appearances. In the latter, some assertions are false, some links are wanting in the chain, and effects appear, of which no sufficient cause is produced. Murray, on the queen's return into Scotland, served her with great fidelity, and by his prudent administration rendered her so popular, and so powerful, as enabled her with ease to

quash a formidable insurrection raised by the party of which he was the leader in the year one thousand five hundred and sixty-five. What motive could induce Murray to murder a prince without capacity, without followers, without influence over the nobles, whom the queen, by her neglect, had reduced to the lowest state of contempt, and who, after a long disgrace, had regained, according to the most favourable supposition, the precarious possession of her favour only a few days before his death? It is difficult to conceive what Murray had to fear from the king's life. It is still a more difficult matter to guess what he could gain by his death. If we suppose that the queen had no previous attachment to Bothwell, nothing can appear more chimerical than a scheme to persuade her to marry a man, whose wife was still alive, and who was not only suspected, but accused, of murdering her former husband. But that such a scheme should really succeed, is still more extraordinary. If Murray had instigated Bothwell to commit the crime, or had himself been accessory to the commission of it, what hopes were there that Bothwell would silently bear from a fellow-criminal all the persecutions which he suffered, without ever retorting upon him the accusation, or revealing the whole scene of iniquity? An ancient and deadly feud had subsisted between Murray and Bothwell; the queen with difficulty had brought them to some terms of agreement. But is it probable that Murray would choose an enemy, to whom he had been so lately reconciled, for his confident in the commission of such an atrocious crime? Or, on the other hand, would it ever enter into the imagination of a wise man, first to raise his rival to supreme power, in hopes that afterwards he might render him odious, by accusing him of crimes which he had not committed, and, in consequence of this unjust charge, should be enabled to deprive him of that power? The most adventurous politician never hazarded such a dangerous experiment. The

most credulous folly never trusted such an uncertain chance.

How strong soever these general reasonings may appear to be, it is not upon them alone that we must decide, but according to the particular evidence that is produced. This we now proceed to examine.

That Bothwell was guilty of the king's murder, appears, 1. From the concurring testimony of all the contemporary historians. 2. From the confession of those persons who suffered for assisting at the commission of the crime, and who entered into a minute detail of all its circumstances. Anders. ii. 165. 3. From the acknowledgment of Mary's own commissioners, who allow Bothwell to have been one of those who were guilty of this crime. Good. ii. 213. 4. From the express testimony of Lesly, bishop of Ross, to the same effect with the former. Def. of Q. Mary's Hon. Anders. i. 76. Id. iii. p. 31. 5. Morton, at his death, declared that Bothwell had solicited him, at different times, to concur in the conspiracy formed against the life of the king; and that he was informed by Archibald Douglas, one of the conspirators, that Bothwell was present at the murder. Crawf. Mem. App. 4. The letter from Douglas to the queen, which I have published in the Appendix to vol. ii. No. xlvii. confirms Morton's testimony. 6. Lord Herries promises, in his own name, and in the name of the nobles who adhered to the queen, that they would concur in punishing Bothwell as the murderer of the king. Appendix, vol. ii. No. xxiv.

The most direct charge ever brought against Murray is in these words of bishop Lesly: "Is it unknown," addressing himself to the earl of Murray, "what the lord Herries said to your face openly, even at your own table, a few days after the murder was committed? Did he not charge you with the foreknowledge of the same murder? Did he not, 'nulla circuitione usus,' flatly and plainly burthen you, that riding in Fife, and coming with one of your most assured and trusty ser-

vants the same day whereon you departed from Edinburgh, you said to him, among other talk, 'This night, ere morning, lord Darnly shall lose his life?'" Defence of Q. Mary, Anders. ii. 75. But the assertion of a man so heated with faction as Lesly, unless it were supported by proper evidence, is of little weight. The servant to whom Murray is said to have spoken these words, is not named; nor the manner in which this secret conversation was brought to light mentioned. Lord Herries was one of the most zealous advocates for Mary, and it is remarkable that, in all his negotiation at the court of England, he never once repeated this accusation of Murray. In answering the challenge given him by lord Lindsay, Herries had a fair opportunity of mentioning Murray's knowledge of the murder; but, though he openly accuses of that crime some of those who adhered to Murray, he industriously avoids any insinuation against Murray himself. Keith, Pref. xii. Mary herself, in conversation with sir Francis Knolles, accused Morton and Maitland of being privy to the murder, but does not mention Murray. Anders. iv. 55. When the bishop of Ross and lord Herries appeared before the English council, January the eleventh, one thousand five hundred and sixty-nine, they declared themselves ready, in obedience to the queen's command, to accuse Murray and his associates of being accessory to the murder; but "they being also required, whether they, or any of them, as of themselves, would accuse the said earl in special, or any of his adherents, or thought them guilty thereof," they answered, "that they took God to witness that none of them did ever know any thing of the conspiracy of that murder, or were in council and foreknowledge thereof; neither who were devisors, inventors, and executors, of the same, till it was publicly discovered long thereafter by some of the assassins, who suffered death on that account." Good. ii. 308. These words are taken out of a register kept by Ross and Herries themselves,

and seem to be a direct confutation of the bishop's assertion.

The earls of Huntly and Argyll, in their Protestation touching the Murder of the King of Scots, after mentioning the conference at Craigmillar concerning a divorce, add, " So after these premises, the murder of the king following, we judge in our consciences, and hold for certain and truth, that the earl of Murray and secretary Lethington were authors, inventors, counsellors and causers of the same murder, in what manner, or by whatsoever persons the same was executed." Anders. iv. 188. But, 1. This is nothing more than the private opinion, or personal affirmation of these two noblemen. 2. The conclusion which they make has no connexion with the premises on which they found it: Because Murray proposed to obtain for the queen a divorce from her husband with her own consent, it does not follow that, therefore, he committed the murder without her knowledge. 3. Huntly and Argyll were at that time the leaders of that party opposite to Murray, and animated with all the rage of faction. 4. Both of them were Murray's personal enemies. Huntly, on account of the treatment which his family and clan had received from that nobleman. Argyll was desirous of being divorced from his wife, with whom he lived on no good terms, Knox, 328, and by whom he had no children. Crawf. Peer. 19. She was Murray's sister, and by his interest Argyll's design was obstructed. Keith, 551. These circumstances would go far towards invalidating a positive testimony; they more than counterbalance an indeterminate suspicion. 5. It is altogether uncertain whether Huntly and Argyll ever subscribed this protestation. A copy of such a protestation as the queen thought would be of advantage to her cause, was transmitted to them by her. Anders. iv. b. ii. 186. The protestation itself, published by Anderson, is taken from an unsubscribed copy with blanks for the date and place of subscribing.

On the back of this copy, there is pasted, indeed, a paper, which Cecil has marked, "Answer of the earl of Murray to a writing of the earls of Huntly and Argyll." Anders. 194, 195. But it can hardly be deemed a reply to the above-mentioned protestation. Murray's answer bears date at London, January the nineteenth, one thousand five hundred and sixty-eight. The queen's letter, in which she inclosed the copy of the protestation, bears date at Bowton, January the fifth, one thousand five hundred and sixty-eight. Now it is scarce to be supposed that the copy could be sent into Scotland, be subscribed by the two earls, and be seen and answered by Murray within so short a time. Murray's reply seems intended only to prevent the impression which the vague and uncertain accusations of his enemies might make in his absence. Cecil had got the original of the queen's letter into his custody. Anders. iv. 185. This naturally leads us to conjecture that the letter itself, together with the inclosed protestation, were intercepted before they came to the hands of Huntly and Argyll. Nor is this mere conjecture alone. The letter to Huntly, in which the protestation was inclosed, is to be found, Cott. Lib. Cal. c. i. fol. 280, and is an original subscribed by Mary, though not written by her own hand, because she seldom chose to write in the English language. The protestation is in the same volume, fol. 282, and is manifestly written by the same person who wrote the queen's letter. This seems to render it highly probable that both were intercepted. So that much has been founded on a paper not subscribed by the two earls, and probably never seen by them. Besides, this method which the queen took of sending a copy to the two earls, of what was proper for them to declare with regard to a conference held in their own presence, appears somewhat suspicious. It would have been more natural, and not so liable to any misinterpretation, to have desired them to write the most exact account,

which they could recollect, of what had passed at the conversation at Craigmillar. 6. But even if all this reasoning should be set aside, and the authenticity of the 'protestation' should be admitted in its fullest extent, it may still be a question, what degree of credit should be given to the assertion of the two earls, who were not only present in the first parliament, held by Murray, as regent, in December, one thousand five hundred and sixty-seven, in which the one carried the sceptre, and the other the sword of state, Spotsw. 241; but were both members of the committee of lords of articles, and in that capacity assisted in framing all the acts by which the queen was deprived of the crown, and her son seated on the throne; and in particular concurred in the act by which it was declared, that whatever had befallen the queen "was in hir awin default, in sa far as, be divers hir previe letters written halelie with hir awin hand, and send by hir to James sometyme erle of Bothwell, chief executour of the said horribill murthour, as weill befoir the committing thairof as thaireftir: And be hir ungodlie and dishonourabill proceeding to ane pretendit marriage with him, suddainlie and unprovifitlie thaireftir, it is maist certane that sche was previe, airt and pairt, of the actual devise and deid of the foirnamit murthour of the king her lauchful husband, and thairfoir justlie desirvis quhatsumever hes bene done to hir in ony tyme bygaine, or that sal be usit towards hir, for the said cause." Anders. ii. 221.

The queen's commissioners at the 'conferences' in England accused Murray and his associates of having murdered the king. Good. ii. 281. But this charge is to be considered as a recrimination, extorted by the accusation preferred against the queen, and contains nothing more than loose and general affirmations, without descending to such particular circumstances as either ascertain their truth, or discover their falsehood. The same accusation is repeated by the nobles assembled at Dumbarton, September, one thousand five

hundred and sixty-eight. Good. ii. 359. And the same observation may be made concerning it.

All the queen's advocates have endeavoured to account for Murray's murdering of the king, by supposing that it was done on purpose that he might have the pretence of disturbing the queen's administration, and thereby rendering ineffectual her general revocation of crown lands, which would have deprived him and his associates of the best part of their estates. Lesly, Def. of Mary's Hon. p. 73. Anders. iv. part ii. 130. But whoever considers the limited powers of a Scottish monarch, will see that such a revocation could not be very formidable to the nobles. Every king of Scotland began his reign with such a revocation; and as often as it was renewed, the power of the nobles rendered it ineffectual. The best vindication of Murray and his party from this accusation, is that which they presented to the queen of England, and which hath never hitherto been published.

Paper Office.

Answers to the objections and alledgance of the queen, alledging the earl of Murray, lord regent, the earl of Morton, Marr, Glencairn, Hume, Ruthven, etc. to have been moved to armour, for that they abhorred and might not abide her revocation of the alienation made of her property.

It is answered, that is alledged but [i. e. without] all appearance, and it appears God has bereft the alledgance of all wit and good remembrance, for thir reasons following:

Imprimis, as to my lord regent, he never had occasion to grudge thereat, in respect the queen made him privy to the same, and took resolution with him for the execution thereof, letting his lordship know she would assuredly in the samine except all things she had given to him, and ratefy them in the next parliament as she did indeed; and for that cause wished my lord to leave

behind him master John Wood, to attend upon the same, to whom she declared, that als well in that as in all other her grants it should be provided, yea of free will did promise and offer before ever he demanded, as it came to pass without any let or impediment; for all was ratified by her command, and hand write, at the parliament, but [i. e. without] any difficulty.

Item as to my lord of Morton, he could not grudge thereat quha never had of her property worth twenty dollars that ever I knew of.

Item the same, may I say of my lord Glencairn.

Item the same, I may say of my lord Hume.

Item the same, I may say of my lord Ruthven.

Item the same, I may say of my lord Lindsay.

Only my lord of Marr, had ane little thing of the property quilk alsua was gladly and liberally confirmed to him, in the said parliament preceding a year; was never ane had any cause of miscontent of that revocation, far less to have put their lives and heritage to so open and manifest ane danger as they did for sic ane frivole cause.

Gyf ever any did make evill countenance, and show any miscontentment of the said revocation, it was my lord of Argyll in special, quha spak largely in the time of parliament thairanents to the queen herself, and did complain of the manifest corruption of ane act of parliament past upon her majesty's return, and sa did lett any revocation at that time; but the armour for revenge of the king's deid was not till twa months after, at quhat time there was no occasion given thereof, nor never a man had mind thereof.

Having thus examined the evidence which has been produced against the earls of Murray and Bothwell; we shall next proceed to inquire whether the queen herself was accessory to the murder of her husband.

No sooner was the violent death of Darnly known, than strong suspicion arose, among some of her sub-

jects, that Mary had given her consent to the commission of that crime. Anders. ii. 156. We are informed, by her own ambassador in France, the archbishop of Glasgow, that the sentiments of foreigners, on this head, were no less unfavourable to her. Keith, Pref. ix. Many of her nobles loudly accused her of that crime; and a great part of the nation, by supporting them, seem to have allowed the accusation to be well-founded.

Some crimes, however, are of such a nature, that they hardly admit of a positive or direct proof. Deeds of darkness can seldom be brought perfectly to light. Where persons are accused not of being 'principals,' but only of being 'accessories' in the commission of a crime; not of having perpetrated it themselves, but only of giving consent to the commission of it by others; the proof becomes still more difficult: and unless when some accomplice betrays the secret, a proof by circumstances, or presumptive evidence, is all that can be attained. Even in judicial trials, such evidence is sometimes held to be sufficient for condemning criminals. The degree of conviction which such evidence carries along with it, is often not inferior to that which arises from positive testimony; and a concurring series of circumstances satisfies the understanding no less than the express declaration of witnesses.

Evidence of both these kinds has been produced against Mary. We shall first consider that which is founded upon circumstances alone.

Some of these suspicious circumstances preceded the king's death; others were subsequent to it. With regard to the former, we may observe that the queen's violent love of Darnly was soon converted into an aversion to him no less violent; and that his own ill conduct and excesses of every kind, were such, that if they did not justify, at least they account for this sudden change of her disposition towards him. The rise and progress of this domestic rupture, I have traced with great care in the history, and to the proofs of it

which may be found in papers published by other authors, I have added those contained in App. No. XVI. and XVII. La Croc, the French ambassador, who was an eye-witness of what he describes, not only represents her aversion to Darnly to be extreme, but declares that there could be no hopes of a reconcilement between them. "The queen is in the hands of physicians, and I do assure you is not at all well; and do believe the principal part of her disease to consist in deep grief and sorrow; nor does it seem possible to make her forget the same. Still she repeats these words, 'I could wish to be dead.' You know very well that the injury she has received is exceeding great, and her majesty will never forget it. To speak my mind freely to you, I do not expect, upon several accounts, any good understanding between them, [i. e. the king and queen,] unless God effectually put to his hand. His bad deportment is incurable; nor can there ever be any good expected from him, for several reasons, which I might tell you was I present with you. I cannot pretend to foretel how all may turn; but I will say, that matters cannot subsist long as they are, without being accompanied with sundry bad consequences." Keith, Pref. vii. Had Henry died a natural death at this juncture, it must have been considered as a very fortunate event to the queen, and as a seasonable deliverance from a husband who had become altogether odious to her. Now as Henry was murdered a few weeks afterwards, and as nothing had happened to render the queen's aversion to him less violent, the opinion of those who consider Mary as the author of an event which was manifestly so agreeable to her, will appear perhaps to some of our readers to be neither unnatural nor over-refined. If we add to this, what has been observed in the history, that in proportion to the increase of Mary's hatred of her husband, Bothwell seems to have made progress in her favour, and that he became the object not only of her confidence but

Dec. 12. 1566.

Dec. 23.

her attachment, that opinion acquires new strength. It is easy to observe many advantages which might redound to Mary as well as to Bothwell from the king's death; but excepting them, no person, and no party in the kingdom, could derive the least benefit from that event. Bothwell, accordingly, murdered the king, and it was in that age thought no unwarranted imputation on Mary's character, to suppose that she had consented to the deed.

The steps which the queen took after her husband's death add strength to that supposition. 1. Melvil, who was in Edinburgh at the time of the king's death, asserts that "every body suspected the earl of Bothwell; and those who durst speak freely to others, said plainly that it was he." p. 155. 2. Mary having issued a proclamation, on the twelfth of February, offering a reward to any person who should discover those who had murdered her husband; And. i. 36; a paper in consequence of this was affixed to the gates of the Tolbooth, February the sixteenth, in which Bothwell was named as the chief person guilty of that crime, and the queen herself was accused of having given her consent to it. And. ii. 156. 3. Soon after, February the twentieth, the earl of Lennox, the king's father, wrote to Mary, conjuring her, by every motive, to prosecute the murderers with the utmost rigour. He plainly declared his own suspicions of Bothwell, and pointed out a method of proceeding against him, and for discovering the authors of that crime, no less obvious than equitable. He advised her to seize, and to commit to sure custody, Bothwell himself, and such as were already named as his accomplices; to call an assembly of the nobles; to issue a proclamation, inviting Bothwell's accusers to appear; and if, on that encouragement, no person appeared to accuse them, to hold them as innocent, and to dismiss them without further trial. And. i. 40. 4. Archbishop Beatoun, her ambassador in France, in a letter to Mary, March the ninth, employs arguments

of the utmost weight to persuade her to prosecute the murderers with the greatest severity. "I can conclude nathing (says he) by quhat zour majestie writes to me zourself, that sen it has plesit God to conserve zow to make a rigorous vengeance thereof, that rather than it be not actually taine, it appears to me better in this warld that ze had lost life and all. I ask your majestie pardon, that I writ sa far, for I can heir nathing to zour prejudice, but I *man* constraindly writ the samin, *must* that all may come to zour knawlege; for the better remede may be put therto. Heir it is needfull that ze forth shaw now rather than ever of before, the greite vertue, magnanimitie, and constance that God has grantit zow, be quhais grace, I hope ze sall overcome this most heavy envie and displesir of the committing therof, and conserve that reputation in all godliness, ze have conquist of lang, quhich can appear na wayis mair clearie, than that zou do *sick* justice that the *haill* world *such whole* may declare zour innocence, and give testimony for ever of thair treason that has committed (*but* fear of *without* God or man) so cruel and ungodlie a murther, quhairof there is sa *meikle* ill spoken, that I am constrainit to *much* ask zow mercy, that neither can I or will I make the rehearsal thereof, which is *owr* odious. But alas! *too* madame, all over Europe this day, there is na purpose in head sa frequent as of zour majestie, and of the present state of zour realm, quhilk is in the most part interpretit sinisterly." Keith, Pref. ix. 5. Elizabeth, as appears from Appendix, No. XIX. urged the same thing in strong terms. 6. The circumstances of the case itself, no less than these solicitations and remonstrances, called for the utmost vigour in her proceedings. Her husband had been murdered in a cruel manner, almost in her own presence. Her subjects were filled with the utmost horrour at the crime. Bothwell, one of her principal favourites, had been publicly accused as the author of it. Reflections, extremely dishonourable to herself, had been thrown out.

If indignation, and the love of justice, did not prompt her to pursue the murderers with ardour; decency, at least, and concern for vindicating her own character, should have induced her to avoid any appearance of remissness or want of zeal.

But, instead of this, Mary continued to discover, in all her actions, the utmost partiality towards Bothwell. On the fifteenth of February, five days after the murder, she bestowed on him the reversion of the superiority of the town of Leith, which, in the year one thousand five hundred and sixty-five, she had mortgaged to the citizens of Edinburgh. This grant was of much importance, as it gave him not only the command of the principal port in the kingdom, but a great ascendant over the citizens of Edinburgh, who wished much to keep possession of it[a]. 2. Bothwell

[a] *Copy from the original in the charter-house of the city of Edinburgh of an assignation to the reversion of the superiority of Leith by queen Mary, to the earl of Bothwell.*

Maria Dei gratia Regina Scotorum, omnibus probis hominibus suis ad quos præsentes literæ pervenerint salutem. Sciatis, quod nos ad memoriam reducentes multiplex bonum verum et fidele servitium, non tantum quondam nostræ charissimæ matri Mariæ Reginæ regni nostri pro tempore in nostra minoritate factum et impensum, verum etiam nobismet ipsis, tam intra partes Galliæ quam intra hoc nostrum regnum, ad extentionem nostri honoris et auctoritatis in punitione furum, malefactorum, et transgressorum infra idem, per nostrum confisum consanguineum et consiliarium Jacobum comitem Bothuile, dominum Halis, Creighton, et Liddisdale, magnum admirallum regni nostri, commissionem et onerationem ad hunc effectum habentem, per quas ipse suum corpus et vitam in magno periculo posuit; ac etiam, in performatione et extentione nostri dicti servitii, suam hereditatem, supra summam viginti millium mercarum hujus nostri regni, alienavit ac læsit. Et nos cogitantes quod, ex nostra principali honore et devoria dictum nostrum confisum consanguineum et consiliarium cum quodam accidente et gratitudine recompensare et gratificare incumbit quæ nos commode sibi concedere poterimus, unde ipse magis habilis omnibus affuturis temporibus esse poterit, et ad hujusmodi performandum in omnibus causis seu eventibus: In recompensationem quorum præmissorum, ac pro diversis aliis nostris rationabilibus causis et considerationibus nos moventibus, Fecimus, etc. dictum Jacobum comitem Bothuile, etc. ac suos hæredes masculos quoscumque nostros legitimos, etc. assignatos in et ad literas reversionis factas, etc. per Symonem Preston de eodem militem, præpositum, balivos, consules, et communitatem hujus nostri burgi de Edinburgh, pro seipsis ac suis successori-

being extremely desirous to obtain the command of the castle of Edinburgh, the queen, in order to prevail on the earl of Mar to surrender the government of it, offered to commit the young prince to his custody. Mar consented; and she instantly appointed Bothwell governor of the castle. And. i. Pref. 64. Keith, 379. note (d.) 3. The inquiry into the murder, previous to Bothwell's trial, seems to have been conducted with the utmost remissness. Buchanan exclaims loudly against this. And. ii. 24. Nor was it without reason that he did so, as is evident from a circumstance in the affidavit of Thomas Nelson, one of the king's servants, who was in the house when his master was murdered, and was dug up alive out of the rubbish. Being examined on the Monday after the king's death, "This deponar schew that Bonkle had the key of the sellare, and the queenis servandis the keyis of her shalmir. Quhilk the laird of Tillibardin hearing, said, Hald thair, here is ane ground. Efter quhilk words spokin, thai left of, and procedit na farther in the inquisition." And. iv. part ii. 167. Had there been any intention to search into the bottom of the matter, a circumstance of so much importance merited the most careful inquiry. 4. Notwithstanding Lennox's repeated solicitations, notwithstanding the reasonableness of his demands, and the necessity of complying with them, in order to encourage any accuser to appear against Bothwell, she not only refused to commit him to

bus, etc. nobis, nostrisque heredibus, successoribus, et assignatis pro redemptione, etc. superioritatis totius villæ de Leith, etc. impignoratæ per nos dictis præposito, etc. sub reversione alienatæ continentis summam decem millium mercarum monetæ præscriptæ numerandum et calculandum in parochiali ecclesia de Edinburgh, super premonitione quadraginta dierum, ut moris est, veluti in dictis reversionis literis, etc. de data 8vo Octob. 1565, etc. (The rest is form, and contains a clause of absolute warrandice.) In cujus rei Testimonium præsentibus magnum sigillum nostrum apponi fecimus. Apud Edinburgh, decimo quinto die mensis Februarii, anno Domini millesimo quingentesimo sexagesimo sexto, et regni nostri vicesimo quinto.

The great seal entire.

custody, or even to remove him from her presence and councils; And. i. 42. 48; but by the grants which we have mentioned, and by other circumstances, discovered an increase of attachment to him. 5. She could not avoid bringing Bothwell to a public trial; but she permitted him to sit as a member in that meeting of the privy council which directed his own trial; and the trial itself was carried on with such unnecessary precipitancy, and with so many other suspicious circumstances, as to render his acquittal rather an argument of his guilt than a proof of his innocence. These circumstances have all been mentioned at length in the Fourth Book, and, therefore, are not repeated in this place. 6. Two days after the trial, Mary gave a public proof of her regard for Bothwell, by appointing him to carry the sceptre before her at the meeting of parliament. Keith, 378. 7. In that parliament, she granted him a ratification of all the great possessions and honours which she had conferred upon him, in which was contained an ample enumeration of all the services he had performed. And. i. 117. 8. Though Melvil, who foresaw that her attachment to Bothwell would at length induce her to marry him, warned her of the infamy and danger which would attend that action, she not only disregarded this salutary admonition, but discovered what had passed between them to Bothwell, which exposed Melvil to his resentment. Melv. 156. 9. Bothwell seized Mary as she returned from Stirling, April the twenty-fourth. If he had done this without her knowledge and consent, such an insult could not have failed to have filled her with the most violent indignation. But according to the account of an old manuscript; "The friendly love was so highly contracted between this great princess and her enormous subject, that there was no end thereof, (for it was constantly esteemed by all men, that either of them loved other carnally,) so that she suffered patiently to be led where the lover list, and all the way neither made ob-

stacle, impediment, clamour, or resistance, as in such accidents use to be, or that she might have done by her princely authority, being accompanied with the noble earl of Huntly and secretary Maitland of Lethington." Keith, 383. Melvil, who was present, confirms this account, and tells us that the officer by whom he was seized informed him that nothing was done without the queen's consent. Melv. 158. 10. On the twelfth of May, a few days before her marriage, Mary declared that she was then at full liberty, and that though Bothwell had offended her by seizing her person, she was so much satisfied with his dutiful behaviour since that time, and so indebted to him for past services, that she not only forgave that offence, but resolved to promote him to higher honours. And. i. 87. 11. Even after the confederate nobles had driven Bothwell from the queen's presence, and though she saw that he was considered as the murderer of her former husband by so great a part of her subjects, her affection did not in the least abate, and she continued to express the most unalterable attachment to him. "I can perceive (says sir N. Throkmorton) that the rigour with which the queen is kept, proceedeth by order from these men, because that the queen will not by any means be induced to lend her authority to prosecute the murderer; nor will not consent by any persuasion to abandon the lord Bothwell for her husband, but avoweth constantly that she will live and die with him; and saith, that if it were put to her choice to relinquish her crown and kingdom, or the lord Bothwell, she would leave her kingdom and dignity to go a simple damsel with him, and that she will never consent that he shall fare worse, or have more harm than herself." Appendix, No. XXII. In all their negotiation with Throkmorton, the confederates mention this unalterable attachment of the queen to Bothwell as a sufficient reason for rejecting his proposals of an accommodation with their sovereign. Keith, 419. 449. This assertion they renewed

in the conferences at York. Anders. iv. part ii. p. 66. Murray, in his interview with Mary in Lochlevin, charged her with persisting in her inordinate affection to Bothwell. Keith, 446. All these, however, may be considered merely as accusations brought by the confederates, in order to vindicate their rigour towards the queen. But Throkmorton, who, by his residence in Edinburgh, and by his intercourse with the queen's partisans, as well as with her enemies, had many opportunities of discovering whether or not Mary had expressed herself in such terms, and who was disposed to view her actions in the most favourable light, appears, by the passage which I have quoted from his letter of the fourteenth of July, to be persuaded that the confederates had not misrepresented her sentiments. He had soon an opportunity of being confirmed with greater certainty in this opinion. Although the confederates had refused him access to the captive queen, he found means of holding a secret correspondence with her, and endeavoured to persuade her to give her consent to have her marriage with Bothwell dissolved by a sentence of divorce, as the most probable means of regaining her liberty. "She hath sent me word that she will in no wise consent unto that, but rather die." Appendix, No. XXII. There is evidence of the continuance of Mary's attachment still more explicit. Lord Herries, in the parliament held the fifteenth of December, one thousand five hundred and sixty-seven, acknowledged the queen's inordinate affection to that wicked man, and that she could not be induced by persuasion to leave him; and that, in sequestering her within Lochlevin, the confederates had done the duty of noblemen. Appendix, No. XXIV. In the year one thousand five hundred and seventy-one, a conference was held by some deputies from a convention of clergy, with the duke of Chatelherault, secretary Maitland, sir James Balfour, and Kirkaldy; and an account of it written by Mr. Craig, one of the mini-

sters of Edinburgh, is extant in Calderwood Manus. Hist. ii. 244. In presence of all these persons, most of whom were in Edinburgh when the queen was taken at Carberry, Maitland, who was now an avowed partisan of Mary, declares, that on the same night she was brought to Edinburgh, he himself had offered, that, if she would abandon Bothwell, she should have as thankful obedience as ever she had since she came to Scotland. But in no wise would she consent to leave Bothwell. According to sir James Melvil, the queen found means of writing a letter to Bothwell on the evening of that day, when she was conducted as a prisoner to Edinburgh, in which she declared her affection to him in the most tender expressions, and her resolution never to abandon him. This letter, he says, was intercepted by the confederates, and determined them to confine Mary in the castle of Lochlevin. But as neither Buchanan nor Knox, both abundantly disposed to avail themselves of every fact and report that could be employed in order to represent Mary's conduct as improper and criminal, mention this letter; and as the confederates themselves, in their negotiations with Throkmorton, as well as in their accusations of the queen before the English commissioners at York and Westminster, maintain the same silence with regard to it, I am satisfied that Melvil, who wrote his memoirs for the information of his son in his old age, and long after the events which he records happened, has been mistaken with regard to this particular. From this long enumeration of circumstances, we may, without violence, draw the following conclusion: Had Mary really been accessory to the murder of her husband; had Bothwell perpetrated the crime with her consent, or at her command; and had she intended to stifle the evidence against him, and to prevent the discovery of his guilt, she could scarcely have taken any other steps than those which she took, nor could her conduct have

been more repugnant to all the maxims of prudence and of decency.

The positive evidence produced against Mary may be classed under two heads.

1. The depositions of some persons who were employed in committing the murder, particularly of Nicholas Hubert, who in the writings of that age is called 'French Paris.' This person, who was Bothwell's servant, and much trusted by him, was twice examined, and the original of one of his depositions, and a copy of the other, are still extant. It is pretended that both these are notorious forgeries. But they are remarkable for a simplicity and 'naïveté' which it is almost impossible to imitate; they abound with a number of minute facts and particularities, which the most dexterous forger could not have easily assembled and connected together with any appearance of probability; and they are filled with circumstances, which can scarcely be supposed to have entered the imagination of any man but one of Paris's rank and character. But, at the same time, it must be acknowledged that his depositions contain some improbable circumstances. He seems to have been a foolish talkative fellow; the fear of death, the violence of torture, and the desire of pleasing those in whose power he was, tempted him, perhaps, to feign some circumstances, and to exaggerate others. To say that some circumstances in an affidavit are improbable or false, is very different from saying that the whole is forged. I suspect the former to be the case here; but I see no appearance of the latter. Be that as it will, some of the most material facts in Paris's affidavits, rest upon his single testimony; and for that reason, I have not in the history, nor shall I in this place, lay any stress upon them.

2. The letters said to be written by Mary to Bothwell. These have been frequently published. The accident by which the queen's enemies got them into

their possession, is related in the first volume, p. 351. When the authenticity of any ancient paper is dubious or contested, it may be ascertained either by external or internal evidence. Both these have been produced in the present case.

I. External proofs of the genuineness of Mary's letters. 1. Murray, and the nobles who adhered to him, affirm upon their word and honour, that the letters were written with the queen's own hand, with which they were well acquainted. Good. ii. 64. 92. 2. The letters were publicly produced in the parliament of Scotland, December, one thousand five hundred and sixty-seven; and were so far considered as genuine, that they are mentioned in the act against Mary, as one chief argument of her guilt. Good. ii. 66, 67. 3. They were shown privately to the duke of Norfolk, the earl of Sussex, and sir Ralph Sadler, Elizabeth's commissioners at York. In the account which they gave of this matter to their mistress, they seem to consider the letters as genuine, and express no suspicion of any forgery; they particularly observe, "that the matter contained in them is such, that it could hardly be invented and devised by any other than herself; for that they discourse of some things, which were unknown to any other than to herself and Bothwell; and as it is hard to counterfeit so many, so the matter of them, and the manner how these men came by them, is such, as it seemeth that God, in whose sight murder and bloodshed of the innocent is abominable, would not permit the same to be hid or concealed." Good. ii. 142. They seem to have made such an impression on the duke of Norfolk, that in a subsequent letter to Pembroke, Leicester, and Cecil, he has these words: "If the matter shall be thought as detestable and manifest to you, as for ought we can perceive it seemeth here to us." Good. ii. 154. Nor did Norfolk declare these to be his sentiments only in public official letters, he expressed himself in the same manner to his most confi-

dential friends. In a secret conference with the bishop of Ross at York, the duke informed him, that he had seen the letters, etc. which the regent had to produce against the queen, whereby there would be such matter proved against her, as would dishonour her for ever. State Trials, edition of Hargrave, i. 91. Murdin, 52. The bishop of Ross, if he had known the letters to be a notorious forgery, must have been naturally led, in consequence of this declaration, to undeceive the duke, and to expose the imposture. But, instead of this, the duke, and he, and Lethington, after consulting together, agreed that the bishop should write to Mary, then at Bolton, and instruct her to make such a proposal to Elizabeth, as might prevent the public production of the letters and other evidence. State Trials, i. 94. Murdin, 45. Indeed, the whole of this secret conference seems to imply, that Lethington, Ross, and Norfolk, were conscious of some defect in Mary's cause, and, therefore, exerted all their ingenuity in order to avoid a public accusation. Murdin, 52, 53. To Banister, whom the duke seems to have trusted more entirely than any other of his servants, he expressed himself in similar terms with respect to the queen of Scots. State Trials, i. 98. The words of Banister's evidence are remarkable: "I confess that I, waiting of my lord and master, when the earl of Sussex and Mr. chancellor of the dutchy that now is, were in commission at York, did hear his grace say, that upon examination of the matter of the murder, it did appear that the queen of Scots was guilty and privy to the murder of lord Darnly, whereby I verily thought that his grace would never join in marriage with her." Murdin, 134. Elizabeth, in her instructions to the earl of Shrewsbury and Beale, in one thousand five hundred and eighty-three, asserts that both the duke and earl of Arundel did declare to herself, that the proof, by the view of her letters, did fall out sufficient against the queen of Scots; however they were after drawn to cover her

faults and pronounce her innocency. Manus. Advoc. Library. A. iii. 28. p. 314. From Cot. Lib. Calig. 9. 4. A similar impression was made upon other contemporaries of Mary by the production of the letters, which implies a full belief of their being genuine. Cecil, in his correspondence with sir Henry Norris, the English ambassador in France, relates this transaction in terms which leave no room to doubt with respect to his own private opinion. In his letter, December the fourteenth, one thousand five hundred and sixty-eight, the very day on which the letters, etc. were laid before the meeting of privy counsellors and peers, he informs him, "That the regent was driven, from his defence, to disclose a full fardel of the naughty matter, tending to convince the queen as adviser of the murther, and the earl of Bothwell as her executour; and now the queen's party, so great, refuse to make any answer, and press that their mistress may come in person to answer the matter herself before the queen's majesty; which is thought not fit to be granted until the great blot of the marriage with her husband's murtherer, and the evident charges, by letters of her own, to be deviser of the murther, be somewhat razed out or recovered; for that as the matters are exhibited against her, it is far unseemly for any prince, or for chaste ears, to be annoyed with the filthy noise thereof; and yet, as being a commissioner, I must and will forbear to pronounce any thing herein certainly, though as a private person I cannot but with horrour and trembling think thereof." Cabbala, 156. 5. From the correspondence of Bowes, the English resident in Scotland, with Walsingham, in the year one thousand five hundred and eighty-two, published towards the close of this dissertation, it is manifest that both in England and Scotland, both by Elizabeth and James, both by the duke of Lennox and earl of Gowrie, the letters were deemed to be genuine. The

eagerness, on one side to obtain, and on the other to keep, possession of the casket and letters, implies that this was the belief of both. These sentiments of contemporaries, who were in a situation to be thoroughly informed, and who had abilities to judge with discernment, will, in the opinion of many of my readers, far outweigh theories, suppositions, and conjectures, formed at the distance of two centuries. 6. The letters were subjected to a solemn and judicial examination with respect to their authenticity, as far as that could be ascertained by resemblance of character and fashion of writing: for, after the conferences at York and Westminster were finished, Elizabeth, as I have related, assembled her privy counsellors, and joining to them several of the most eminent noblemen in her kingdom, laid before them all the proceedings against the Scottish queen, and particularly ordered, that "the letters and writings exhibited by the regent, as the queen of Scots' letters and writings, should also be shewed, and conference [i. e. comparison] thereof made in their sight, with the letters of the said queen's being extant, and heretofore written with her own hand, and sent to the queen's majesty; whereby may be searched and examined what difference is betwixt them." Good. ii. 252. They assembled, accordingly, at Hampton Court, December the fourteenth and fifteenth, one thousand five hundred and sixty-eight; and, "The originals of the letters supposed to be written with the queen of Scots' own hand, were then also presently produced and perused; and, being read, were duly conferred and compared, for the manner of writing, and fashion of orthography, with sundry other letters long since heretofore written, and sent by the said queen of Scots to the queen's majesty. In collation whereof no difference was found." Good. ii. 256. 7. Mary having written an apologetical letter for her conduct to the countess of Lennox, July the tenth, one thousand five hundred

and seventy[b], she transmitted it to her husband then in Scotland; and he returned to the countess the following answer: "Seeing you have remittit to me, to answer the queen, the king's mother's letters sent to you, what can I say but that I do not marvell to see hir writ the best can for hirself, to seame to purge hir of that, quhairof many besyde me are certainly persuadit of the contrary, and I not only assurit by my awin knawledge, but by her handwrit, the confessionis of men gone to the death, and uther infallibil experience. It wull be lang tyme that is hable to put a mattir so notorious in oblivioun, to mak black quhyte, or innocency to appear quhair the contrary is sa weill knawin. The maist indifferent, I trust, doubtis not of the equitie of zoure and my cause, and of the just

[b] Mary's letter has never been published, and ought to have a place here, where evidence on all sides is fairly produced. "Madam, if the wrang and false reportis of rebellis, enemeis weill knawin for traitouris to zow, and alace to muche trusted of me by zoure advice, had not so far sturred you aganis my innocency, (and I must say aganis all kyndness, that zow have not onelie as it were condempnit me wrangfullie, but so hated me, as some wordis and open deideis hes testifeit to all the warlde, a manyfest mislyking in zow aganis zowr awn blude,) I wold not have omittit thus lang my dewtie in wryting to zow excusing me of those untrew reporties made of me. But hoping with Godis grace and tyme to have my innocency knawin to zow, as I trust it is already to the maist pairt of all indifferent personis, I thocht it best not to trouble zow for a tyme till that such a matter is moved that tuichis us bayth, quhilk is the transporting zoure littil son, and my onelie child in this countrey. To the quhilk albeit I be never sa willing, I wald be glaid to have zoure advyse therein, as in all uther thingis tuiching him. I have born him, and God knawis with quhat daunger to him and me boith; and of zow he is descendit. So I meane not to forzet my dewtie to zow, in schewin herein any unkyndness to zow, how unkyndlie that ever ze have delt with me, bot will love zow as my awnt, and respect zow as my moder in law. And gif ye ples to knaw farther of my mynde in that and all uther thingis betwixt us, my ambassador the bishop of Ross sall be ready to confer with zow. And so after my hairtlie commendationis, remitting me to my saide ambassador, and zour better consideratioun, I commit zow to the protectioun of Almyghty God, quhom I pray to preserve zow and my brother Charles, and caus zow to knaw my pairt better nor ze do. From Chatisworth this x of July 1570.

To my Ladie Lennox
my moder in law.

Your natural gude Nice
and lovynge dochter."

occasioun of our mislyking. Hir richt dewtie to zow and me, being the parteis interest, were hir trew confessioun and unfeyned repentance of that lamentable fact, odious for hir to be reportit, and sorrowfull for us to think of. God is just, and will not in the end be abused; but as he has manifested the trewth, so will he puneise the iniquity." Lennox's Orig. Regist. of Letters. In their public papers, the queen's enemies may be suspected of advancing what would be most subservient to their cause, not what was agreeable to truth, or what flowed from their own inward conviction. But in a private letter to his own wife, Lennox had no occasion to dissemble; and it is plain, that he not only thought the queen guilty, but believed the authenticity of her letters to Bothwell. 8. In opposition to all these reasons for believing the letters, etc. to be authentic, the conduct of the nobles confederated against Mary, in not producing them directly as evidence against her, has been represented as an irrefragable proof of their being forged. According to the account of the confederates themselves, the casket containing the letters was seized by them on the twentieth of June, one thousand five hundred and sixty-seven; but the first time that they were judicially stated as evidence against the queen was in a meeting of the regent's privy council, December fourth; and they afterwards served as the foundation of the acts made against her in the parliament held on the fifteenth of the same month. If the letters had been genuine, it is contended, that the obtaining possession of them must have afforded such matter of triumph to the confederates, that they would instantly have proclaimed it to the whole world; and in their negotiations with the English and French ministers, or with such of their fellow-subjects as condemned their proceedings, they would have silenced, at once, every advocate for the queen, by exhibiting this convincing proof of her guilt. But in this reasoning sufficient attention is not paid to the delicate and peril-

ous situation of the confederates at that juncture. They had taken arms against their sovereign, had seized her person at Carberry-hill, and had confined her a prisoner at Lochlevin. A considerable number, however, of their fellow-subjects, headed by some of the most powerful noblemen in the kingdom, was combined against them. This combination, they soon perceived, they could not hope to break or to vanquish without aid either from France or England. In the former kingdom, Mary's uncles, the duke of Guise and cardinal of Lorrain, were, at that period, all-powerful, and the king himself was devotedly attached to her. If the confederates confined their views to the dissolution of the marriage of the queen with Bothwell, and to the exclusion of him for ever from her presence, they might hope, perhaps, to be countenanced by Charles the ninth, and his ministers, who had sent an envoy into Scotland of purpose to dissuade Mary from that ill-fated match; Appendix, No. XXII.; whereas the loading her publicly with the imputation of being accessory to the murder of her husband, would be deemed such an inexpiable crime by the court of France, as must cut off every hope of countenance or aid from that quarter. From England, with which the principal confederates had been long and intimately connected, they had many reasons to expect more effectual support; but, to their astonishment, Elizabeth condemned their proceedings with asperity, warmly espoused the cause of the captive queen, and was extremely solicitous to obtain her release and restoration. Nor was this merely the only one of the artifices which Elizabeth often employed in her transactions with Scotland. Though her most sagacious ministers considered it as the wisest policy to support the confederate lords rather than the queen of Scots, Elizabeth disregarded their counsel [c].

[c] This was the opinion of Throkmorton, as appears from an extract of his letter of July 11th, published in the Appendix, No. XXII. The same were the sentiments of Cecil, in his letter of Aug. 19th, 1565, to sir Henry

Her high notions of royal authority, and of the submission due by subjects, induced her, on this occasion, to exert herself in behalf of Mary, not only with sincerity but with zeal; she negotiated, she solicited, she threatened. Finding the confederates inflexible, she endeavoured to procure Mary's release by means of that party in Scotland which continued faithful to her, and instructed Throkmorton to correspond with the leaders of it, and to make overtures to that effect. Keith, 451. Appendix, No. XXIII. She even went so far as to direct her ambassador at Paris to concert measures with the French king how they, by their joint efforts, might persuade or compel the Scots to "acknowledge the queen her good sister to be their sovereign lady, and queen, and renounce their obedience to her son." Keith, 462, 3, 4. From all these circumstances, the confederates had every reason to apprehend that Mary would soon obtain liberty, and by some accommodation be restored to the whole, or at least to a considerable portion, of her authority as sovereign. In that event they foresaw, that if they should venture to accuse her publicly of a crime so atrocious as the murder of her husband, they must not only be excluded for ever from power and favour, but from any hope of personal safety. On this account they long confined themselves to that which was originally declared to be the reason of their taking arms; the avenging the king's death, the dissolving the marriage with Bothwell, the inflicting on him condign punishment, or banishing him for ever from the queen's presence. It

Norris, Elizabeth's ambassador to France: "You shall perceive," says he, "by the queen's letter to you, at this present, how earnestly she is bent in favour of the queen of Scots, and truly since the beginning she hath been greatly offended with the lords; and, howsoever her majesty might make her profit by bearing with the lords in this action, yet no counsel can stay her majesty from manifesting her misliking of them." Cabbala, 140. And in his letter of Sept. 3rd, "The queen's majesty, our sovereign, remaineth still offended with the lords for the queen; the example moveth her." Ib. 141. Digges, Comp. Amb. 14.

appears from the letters of Throkmorton, published by bishop Keith, and in my Appendix, that his sagacity early discovered that this would be the tenour of their conduct. In his letter from Edinburgh, dated July the fourteenth, he observes, that "they do not forget their own peril conjoined with the danger of the prince, but, as far as I perceive, they intend not to touch the queen either in surety or in honour; for they speak of her with respect and reverence, and do affirm, as I do learn, that, the condition aforesaid accomplished, [i. e. the separation from Bothwell,] they will both put her to liberty, and restore her to her estate." Appendix, No. XXII. His letter of August the twenty-second, contains a declaration made to him by Lethington, in name and in presence of his associates, "that they never meant harm neither to the queen's person nor to her honour—that they have been contented hitherto to be condemned, as it were, of all princes, strangers, and, namely, of the queen of England, being charged of grievous and infamous titles, as to be noted rebels, traitors, seditious, ingrate, and cruel, all which they suffer and bear upon their backs, because they will not justify themselves, nor proceed in any thing that may touch their sovereign's honour. But in case they be with these defamations continually oppressed, or with the force, aid, and practices of other princes, and namely of the queen of England, put in danger, or to an extremity, they shall be compelled to deal otherwise with the queen than they intend, or than they desire; for, added he, you may be sure we will not lose our lives, have our lands forfeited, and be reputed rebels through the world, seeing we have the means to justify ourselves." Keith, 448. From this view of the slippery ground on which they stood at that time, their conduct in not producing the letters for several months, appears not only to have been prudent, but essential to their own safety.

But, at a subsequent period, when the confederates

found it necessary to have the form of government, which they had established, confirmed by authority of parliament, a different mode of proceeding became requisite. All that had hitherto been done with respect to the queen's dismission, the seating the young king upon the throne, and the appointment of a regent, was in reality nothing more than the deed of private men. It required the exhibition of some legal evidence to procure a constitutional act, giving the sanction of its approbation to such violent measures, and to obtain "a perfect law and security for all them that either by deed, counsel, or subscription, had entered into that cause since the beginning." Haynes, 453. This prevailed with the regent and his secret counsel, after long deliberation, to agree to produce all the evidence of which they were possessed; and upon that production parliament passed the acts which were required. Such a change had happened in the state of the kingdom as induced the confederates to venture upon this change in their conduct. In June, a powerful combination was forming against them, under the leading of the Hamiltons. In December, that combination was broken; most of the members of it had acknowledged the king as their lawful sovereign, and had submitted to the regent's government. Huntly, Argyll, Herries, the most powerful noblemen of that party, were present in the parliament, and concurred in all its acts. Edinburgh, Dunbar, Dunbarton, and all the chief strongholds in the kingdom were now in the hands of the regent; the arms of France had full occupation in its civil war with the hugonots. The ardour of Elizabeth's zeal in behalf of the captive queen seems to have abated. A step that would have been followed with ruin to the confederates in June, was attended with little danger in December. From this long deduction it appears, that no proof of the letters being forged can be drawn from the circumstance of their not having been produced immediately after the twentieth of June;

but though no public accusation was brought instantly against the queen, in consequence of seizing the casket, hints were given by the confederates, that they possessed evidence sufficient to convict her. This is plainly implied in a letter of Throkmorton, July the twenty-first, Keith, Pref. p. xii. and more clearly in the passage which I have quoted from his letter of August the twenty-second. In his letter of July the twenty-fifth, the papers contained in the casket are still more plainly pointed out. "They [i. e. the confederates] say, that they have as apparent proof against her as may be, as well by the testimony of her own handwriting, which they have recovered, as also by sufficient witnesses." Keith, 426.

II. With regard to the internal proofs of the genuineness of the queen's letters to Bothwell, we may observe, 1. That whenever a paper is forged with a particular intention, the eagerness of the forger to establish the point in view, his solicitude to cut off all doubts and cavils, and to avoid any appearance of uncertainty, seldom fail of prompting him to use expressions the most explicit and full to his purpose. The passages foisted into ancient authors by heretics in different ages; the legendary miracles of the Romish saints; the supposititious deeds in their own favour produced by monasteries; the false charters of homage mentioned in the first volume, p. 13, are so many proofs of this assertion. No maxim seems to be more certain than this, That a forger is often apt to prove too much, but seldom falls into the errour of proving too little. The point which the queen's enemies had to establish was, "that as the earl of Bothwell was chief executor of the horrible and unworthy murder perpetrated, etc. so was she of the foreknowledge, council, device, persuader, and commander of the said murder to be done." Good. ii. 207. But of this there are only imperfect hints, obscure intimations, and dark expressions in the letters, which, however convincing evidence they might furnish

if found in real letters, bear no resemblance to that glare and superfluity of evidence which forgeries commonly contain. All the advocates for Mary's innocence in her own age, contend that there is nothing in the letters which can serve as a proof of her guilt. Lesly, Blackwood, Turner, etc. abound with passages to this purpose; nor are the sentiments of those in the present age different. "Yet still it might have been expected (says one of her ablest defenders) that some one or other of the points or articles of the accusation should be made out clearly by the proof. But nothing of that is to be seen in the present case. There is nothing in the letters that could plainly show the writer to have been in the foreknowledge, counsel, or device of any murder, far less to have persuaded or commanded it; and as little is there about maintaining or justifying any murders." Good. i. 76. How ill-advised were Mary's adversaries, to contract so much guilt, and to practise so many artifices, in order to forge letters, which are so ill-contrived for establishing the conclusion they had in view! Had they been so base as to have recourse to forgery, is it not natural to think that they would have produced something more explicit and decisive? 2. It is almost impossible to invent a long narration of fictitious events, consisting of various minute particulars, and to connect these in such a manner with real facts, that no mark of fraud shall appear. For this reason, skilful forgers avoid any long detail of circumstances, especially of foreign and superfluous ones, well knowing that the more these are multiplied, the more are the chances of detection increased. Now Mary's letters, especially the first, are filled with a multiplicity of circumstances, extremely natural in a real correspondence, but altogether foreign to the purpose of the queen's enemies, and which it would have been extreme folly to have inserted, if they had been altogether imaginary, and without foundation. 3. The truth and reality of several circumstances in the letters,

and these, too, of no very public nature, are confirmed by undoubted collateral evidence. Lett. i. Good. ii. p. 1. The queen is said to have met one of Lennox's gentlemen, and to have had some conversation with him. Thomas Crawford, who was the person, appeared before Elizabeth's commissioners, and confirmed, upon oath, the truth of this circumstance. He likewise declared, that during the queen's stay at Glasgow, the king repeated to him, every night, whatever had passed through the day between her majesty and him; and that the account given of these conversations in the first letter, is nearly the same with what the king communicated to him. Good. ii. 245. According to the same letter there was much discourse between the king and queen concerning Mynto, Hiegait, and Walcar. Good. ii. 8. 10, 11. What this might be, was altogether unknown, until a letter of Mary's, preserved in the Scottish college at Paris, and published, Keith, Pref. vii. discovered it to be an affair of so much importance as merited all the attention she paid to it at that time. It appears by a letter from the French ambassador, that Mary was subject to a violent pain in her side. Keith, ibid. This circumstance is mentioned, Lett. i. p. 30, in a manner so natural as can scarcely belong to any but a genuine production. 4. If we shall still think it probable to suppose that so many real circumstances were artfully introduced into the letters by the forgers, in order to give an air of authenticity to their production; it will hardly be possible to hold the same opinion concerning the following particular. Before the queen began her first letter to Bothwell, she, as usual among those who write long letters containing a variety of subjects, made notes or memorandums of the particulars she wished to remember; but as she sat up writing during a great part of the night, and after her attendants were asleep, her paper failed her, and she continued her letter upon the same sheet on which she had formerly made her memorandums. This she her-

self takes notice of, and makes an apology for it: "It is late; I desire never to cease from writing unto you, yet now, after the kissing of your hands, I will end my letter. Excuse my evil writing, and read it twice over. Excuse that thing that is scriblit, for I had na paper zesterday, quhen I wraite that of the memorial." Good. ii. 28. These memorandums still appear in the middle of the letter; and what we have said seems naturally to account for the manner how they might find their way into a real letter. It is scarce to be supposed, however, that any forger would think of placing memorandums in the middle of a letter, where, at first sight, they make so absurd and so unnatural an appearance. But if any shall still carry their refinement to such a length, as to suppose that the forgers were so artful as to throw in this circumstance, in order to preserve the appearance of genuineness, they must at least allow that the queen's enemies, who employed these forgers, could not be ignorant of the design and meaning of these short notes and memorandums; but we find them mistaking them so far as to imagine that they were the 'credit of the bearer,' i. e. points concerning which the queen had given him verbal instructions. Good. ii. 152. This they cannot possibly be; for the queen herself writes with so much exactness concerning the different points in the memorandums, that there was no need of giving any credit or instructions to the bearer concerning them. The memorandums are indeed the contents of the letter. . 5. Mary, mentioning her conversation with the king, about the affair of Mynto, Hiegait, etc. says, "The morne, [i. e to-morrow,] I will speik to him upon that point;" and then adds, "As to the rest of Willie Hiegait's, he confessit it; but it was the morne [i. e. the morning] after my coming or he did it." Good. ii. 9. This addition, which could not have been made till after the conversation happened, seems either to have been inserted by the queen into the body of the letter, or, perhaps,

she having written it on the margin, it was taken thence into the text. If we suppose the letter to be a real one, and written at different times, as it plainly bears, this circumstance appears to be very natural; but no reason could have induced a forger to have ventured upon such an anachronism, for which there was no necessity. An addition perfectly similar to this made to a genuine paper, may be found, Good. ii. 282.

But, on the other hand, Mary herself and the advocates for her innocence have contended, that these letters were forged by her enemies, on purpose to blast her reputation, and to justify their own rebellion. It is not necessary to take notice of the arguments which were produced, in her own age, in support of this opinion; the observations which we have already made, contain a full reply to them. An author, who has inquired into the affairs of that period with great industry, and who has acquired much knowledge of them, has published, as he affirms, a demonstration of the forgery of Mary's letters. This demonstration he founds upon evidence both internal and external. With regard to the former, he observes that the French copy of the queen's letters is plainly a translation of Buchanan's Latin copy; which Latin copy is only a translation of the Scottish copy; and, by consequence, the assertion of the queen's enemies, that she wrote them originally in French, is altogether groundless, and the whole letters are gross forgeries. He accounts for this strange succession of translations, by supposing that when the forgery was projected, no person could be found capable of writing originally in the French language letters which would pass for the queen's; for that reason they were first composed in Scottish; but unluckily the French interpreter, as he conjectures, did not understand that language; and, therefore, Buchanan translated them into Latin, and from his Latin they were rendered into French. Good. i. 79, 80.

It is hardly necessary to observe, that no proof what-

ever is produced of any of these suppositions. The manner of the Scots, in that age, when almost every man of rank spent a part of his youth in France, and the intercourse between the two nations was great, renders it altogether improbable that so many complicated operations should be necessary in order to procure a few letters to be written in the French language.

But without insisting further on this, we may observe, that all this author's premises may be granted, and yet his conclusion will not follow, unless he likewise prove that the French letters, as we now have them, are a true copy of those which were produced by Murray and his party in the Scottish parliament, and at York and Westminster. But this he has not attempted; and if we attend to the history of the letters, such an attempt, it is obvious, must have been unsuccessful. The letters were first published at the end of Buchanan's Detection. The first edition of this treatise was in Latin, in which language three of the queen's letters were subjoined to it; this Latin edition was printed a. d. one thousand five hundred and seventy-one. Soon after, a Scottish translation of it was published, and at the end of it were printed, likewise in Scottish, the three letters which had formerly appeared in Latin, and five other letters in Scottish, which were not in the Latin edition. Next appeared a French translation of the Detection, and of seven of the letters; this bears to have been printed at Edinburgh by Thomas Waltem, one thousand five hundred and seventy-two. The name of the place, as well as the printer, is allowed by all parties to be a manifest imposture. Our author, from observing the day of the month, from which the printing is said to have been finished, has asserted that this edition was printed at London; but no stress can be laid upon a date found in a book, where every other circumstance with regard to the printing is allowed to be false. Blackwood, who, next to Lesly, was the best-

informed of all Mary's advocates in that age, affirms, that the French edition of the Detection was published in France: "Il [Buchanan] a depuis adjousté a ceste déclamation un petit libelle du prétendu marriage du duc de Norfolk, et de la façon de son procès, et l'a tout envoyé aux freres à la Rochelle, lesquels voyants qu'il pouvoit servir à la cause, l'ont traduit en françois et iceluy fut imprimé à Edinbourg, c'est à dire à la Rochelle, par Thomas Waltem, nom aposté et fait à plaisir. Martyre de Marie. Jebb, ii. 256." The author of the 'Innocence de Marie' goes further, and names the French translator of the Detection. "Et icelui premierement composé (comme il semble) par George Buchanan Escossoys, et depuis traduit en langue françoise par un hugonot, Poitevin (advocat de vocation) Camuz, soy disant gentilhomme, et un de plus remarquez seditieuz de France. Jebb, i. 425. 443." The concurring testimony of two contemporary authors, whose residence in France afforded them sufficient means of information, must outweigh a slight conjecture. The French translator does not pretend to publish the original French letters, as written by the queen herself; he expressly declares that he translated them from the Latin. Good. i. 103. Had our author attended to all these circumstances, he might have saved himself the labour of so many criticisms to prove that the present French copy of the letters is a translation from the Latin. The French editor himself acknowledges it, and, so far as I know, no person ever denied it.

We may observe that the French translator was so ignorant, as to affirm that Mary had written these letters, partly in French, partly in Scottish. Good i. 103. Had this translation been published at London by Cecil, or had it been made by his direction, so gross an errour would not have been admitted into it. This errour, however, was owing to an odd circumstance. In the Scottish translation of the Detection, two or

three sentences of the original French were prefixed to each letter, which breaking off with an etc. the Scottish translation of the whole letter followed. This method of printing translations was not uncommon in that age. The French editor observing this, foolishly concluded that the letters had been written partly in French, partly in Scottish.

If we carefully consider those few French sentences of each letter, which still remain, and apply to them that species of criticism, by which our author has examined the whole, a clear proof will arise, that there was a French copy not translated from the Latin, but which was itself the original from which both the Latin and Scottish have been translated. This minute criticism must necessarily be disagreeable to many readers; but luckily a few sentences only are to be examined, which will render it extremely short.

In the first letter, the French sentence prefixed to it ends with these words, 'y faisoit bon.' It is plain this expression, 'veu ce que peut un corps sans cœur,' is by no means a translation of 'cum plane perinde essem atque corpus sine corde.' The whole sentence has a spirit and elegance in the French, which neither the Latin nor Scottish has retained. 'Jusques a la dinée' is not a translation of 'toto prandii tempore;' the Scottish translation, 'quhile dennertime,' expresses the sense of the French more properly; for anciently 'quhile' signified 'until' as well as 'during.' 'Je n'ay pas tenu grand propos' is not justly rendered 'neque contulerim sermonem cum quoquam;' the phrase used in the French copy is one peculiar to that language, and gives a more probable account of her behaviour than the other. 'Jugeant bien qu'il n'y faisoit bon' is not a translation of 'ut qui judicarent id non esse ex usu.' The French sentence prefixed to Lett. 2. ends with 'apprendre.' It is evident that both the Latin and Scottish translations have omitted altogether these words, 'et toutefois je ne puis apprendre.' The French

sentence prefixed to Lett. 3. ends with 'presenter.' 'J'aye veillé plus tard là haut' is plainly no translation of 'diutius illic morata sum;' the sense of the French is better expressed by the Scottish, 'I have walkit later there up.' Again, 'Pour excuser vostre affaire' is very different from 'ad excusandum nostra negotia.' The five remaining letters never appeared in Latin; nor is there any proof of their being ever translated into that language. Four of them, however, are published in French. This entirely overturns our author's hypothesis concerning the necessity of a translation into Latin.

In the Scottish edition of the Detection, the whole sonnet is printed in French as well as in Scottish. It is not possible to believe that this Scottish copy could be the original from which the French was translated. The French consists of verses which have both measure and rhyme, and which, in many places, are far from being inelegant. The Scottish consists of an equal number of lines, but without measure or rhyme. Now no man could ever think of a thing so absurd and impracticable, as to require one to translate a certain given number of lines in prose, into an equal number of verses where both measure and rhyme were to be observed. The Scottish, on the contrary, appears manifestly to be a translation of the French; the phrases, the idioms, and many of the words are French, and not Scottish. Besides, the Scottish translator has, in several instances, mistaken the sense of the French, and in many more expressions the sense imperfectly. Had the sonnet been forged, this could not have happened. The directors of the fraud would have understood their own work. I shall satisfy myself with one example, in which there is a proof of both my assertions. Stanza viii. ver. 9.

> Pour luy j'attendz toute bonne fortune,
> Pour luy je veux garder santé et vie,
> Pour luy tout vertu de suivre j'ay envie.

For him I attend all good fortune,
For him I will conserve helthe and life,
For him I desire to ensue courage.

'Attend' in the first line is not a Scottish, but a French phrase; the two other lines do not express the sense of the French, and the last is absolute nonsense.

The eighth letter was never translated into French. It contains much refined mysticism about 'devices,' a folly of that age, of which Mary was very fond, as appears from several other circumstances, particularly from a letter concerning 'impresas,' by Drummond, of Hawthornden. If Mary's adversaries forged her letters, they were certainly employed very idly when they produced this.

From these observations it seems to be evident that there was a French copy of Mary's letters, of which the Latin and Scottish were only translations. Nothing now remains of this copy but those few sentences, which are prefixed to the Scottish translation. The French editor laid hold of these sentences, and tacked his own translation to them, which, so far as it is his work, is a servile and a very wretched translation of Buchanan's Latin; whereas, in those introductory sentences, we have discovered strong marks of their being originals, and certain proofs that they are not translated from the Latin.

It is apparent, too, from comparing the Latin and Scottish translations with these sentences, that the Scottish translator has more perfectly attained the sense and spirit of the French than the Latin. And as it appears, that the letters were very early translated into Scottish, Good. ii. 76, it is probable that Buchanan made his translation, not from the French but from the Scottish copy. Were it necessary, several critical proofs of this might be produced. One, that has been already mentioned, seems decisive. 'Diutius illic morata sum' bears not the least resemblance to

'j'ay veillé plus tard là haut;' but if, instead of 'I walkit [i. e. watched] laiter there up,' we suppose that Buchanan read 'I waitit,' etc. this mistake, into which he might so easily have fallen, accounts for the errour in his translation.

These criticisms, however minute, appear to be well-founded. But whatever opinion may be formed concerning them, the other arguments, with regard to the internal evidence, remain in full force.

The external proofs of the forgery of the queen's letters, which our author has produced, appear, at first sight, to be specious, but are not more solid than that which we have already examined. These proofs may be classed under two heads. 1. The erroneous and contradictory accounts which are said to be given of the letters, upon the first judicial production of them. In the secret council held December the fourth, one thousand five hundred and sixty-seven, they are described "as her privie letters written and subscrivit with her awin hand." Haynes, 454. Good. ii. 64. In the act of parliament, passed on the fifteenth of the same month, they are described as "her privie letters written halelie with her awin hand." Good. ib. 67. This diversity of description has been considered as a strong presumption of forgery. The manner in which Mr. Hume accounts for this is natural and plausible, vol. v. p. 498. And several ingenious remarks, tending to confirm his observations, are made in a pamphlet lately published, entitled, Miscellaneous Remarks on the Enquiry into the Evidence against Mary Queen of Scots. To what they have observed it may be added, that the original act of secret council does not now exist; we have only a copy of it found among Cecil's papers, and the transcriber has been manifestly so ignorant, or so careless, that an argument founded entirely upon the supposition of his accuracy is of little force. Several errours into which he has fallen, we are enabled to point out, by comparing his copy of the act of secret

council with the act of parliament passed in consequence of it. The former contains a petition to parliament; in the latter the real petition is resumed verbatim, and converted into a law. In the copy, the queen's marriage with Bothwell is called "a priveit marriage," which it certainly was not; for it was celebrated, after proclamation of banns, in St. Giles's church three several days, and with public solemnity; but in the act it is denominated "ane pretendit marriage," which is the proper description of it, according to the ideas of the party. In the copy, the queen is said to be "so thrall and *bludy* affectionat to the privat appetite of that tyran," which is nonsense, but in the act it is "blindly affectionat." In the copy it is said, "all nobill and virtuous men abhorring their *traine* and company." In the act, "their tyrannie and companie," which is evidently the true reading, as the other has either no meaning, or is a mere tautology. 2. The other proof of the forgery of the letters, is founded upon the impossibility of reconciling the account, given of the time when, and the places from which, the letters are supposed to have been written, with what is certainly known concerning the queen's motions. According to the paper published, Anders. ii. 269, which has been called Murray's Diary, and which is formed upon the authority of the letters, Mary set out from Edinburgh to Glasgow, January the twenty-first, one thousand five hundred and sixty-seven; she arrived there on the twenty-third; left that place on the twenty-seventh; she, together with the king, reached Linlithgow on the twenty-eighth, stayed in that town only one night, and returned to Edinburgh before the end of the month. But, according to Mr. Goodal, the queen did not leave Edinburgh until Friday, January the twenty-fourth; as she staid a night at Callendar, she could not reach Glasgow sooner than the evening of Saturday the twenty-fifth, and she returned to Linlithgow on Tuesday the twenty-eighth. By conse-

quence, the first letter, which supposes the queen to have been at least four days in Glasgow, as well as the second letter, which bears date at Glasgow, 'Saturday morning,' whereas she did not arrive there until the evening, must be forgeries. That the queen did not set out from Edinburgh sooner than the twenty-fourth of January, is evident, as he contends, from the public records, which contain a 'Precept of a confirmation of a life-rent' by James Boyd to Margaret Chalmers, granted by the queen, on the twenty-fourth of January, at Edinburgh; and likewise a letter of the queen's, dated at Edinburgh on the same day, appointing James Inglis tailor to the prince her son. That the king and queen had returned to Linlithgow on the twenty-eighth, appears from a deed, in which they appoint Andrew Ferrier keeper of their palace there, dated at Linlithgow, January the twenty-eighth. Good. i. 118.

This has been represented to be not only a convincing, but a legal proof of the forgery of the letters said to be written by Mary; but how far it falls short of this, will appear from the following considerations:

1. It is evident, from a declaration or confession made by the bishop of Ross, that before the conferences at York, which were opened in the beginning of October, one thousand five hundred and sixty-eight, Mary had, by an artifice of Maitland's, got into her hands a copy of those letters which her subjects accused her of having written to Bothwell. Brown's Trial of the Duke of Norfolk, 31. 36. It is highly probable that the bishop of Ross had seen the letters before he wrote the defence of queen Mary's honour in the year one thousand five hundred and seventy. They were published to all the world, together with Buchanan's Detection, a. d. one thousand five hundred and seventy-one. Now, if they had contained an errour so gross, and, at that time, so obvious to discovery, as the supposing the queen to have passed several days at Glasgow, while

she was really at Edinburgh; had they contained a letter dated at Glasgow, Saturday morning, though she did not arrive there till the evening; is it possible that she herself, who knew her own motions, or the able and zealous advocates who appeared for her in that age, should not have published and exposed this contradiction, and, by so doing, have blasted at once the credit of such an imposture? In disquisitions which are naturally abstruse and intricate, the ingenuity of the latest author may discover many things which have escaped the attention, or baffled the sagacity, of those who have formerly considered the same subject; but when a matter of fact lay so obvious to view, this circumstance of its being unobserved by the queen herself, or by any of her adherents, is almost a demonstration that there is some mistake or fallacy in our author's arguments. So far are any, either of our historians, or of Mary's defenders, from calling in question the common account concerning the time of the queen's setting out to Glasgow, and her returning from it, that there is not the least appearance of any difference among them with regard to this point. But farther,

2. Those papers in the public records, on which our author rests the proof of his assertion concerning the queen's motions, are not the originals subscribed by the queen, but copies only, or translations of copies of those originals. It is not necessary, nor would it be very easy, to render this intelligible to persons unacquainted with the forms of law in Scotland; but every Scotsman conversant in business will understand me when I say that the precept of confirmation of the life-rent to Boyd is only a Latin copy or note of a precept, which was sealed with the privy seal, on a warrant from the signet-office, proceeding on a signature which bore date at Edinburgh the twenty-fourth of January; and that the deed in favour of James Inglis is the copy of a letter, sealed with the privy seal, proceeding on a signature which bore date at Edinburgh, January the twenty-

fourth. From all this we may argue with some degree of reason, that a proof founded on papers which are so many removes distant from the originals, cannot but be very lame and uncertain.

3. At that time all public papers were issued in the name both of the king and queen; by law, the king's subscription was no less requisite to any paper than the queen's; and, therefore, unless the original signatures be produced, in order to ascertain the particular day when each of them signed, or to prove that it was signed only by one of them, the legal proof arising from these papers would be, that both the king and queen signed them at Edinburgh on the twenty-fourth of January.

4. The dates of the warrants or precepts issued by the sovereign in that age, seem to have been, in a great measure, arbitrary, and affixed at the pleasure of the writer; and, of consequence, these dates were seldom accurate, are often false, and can never be relied upon. This abuse became so frequent, and was found to be so pernicious, that an act of parliament, a. d. one thousand five hundred and ninety-two, declared the fixing a false date to a signature to be high treason.

5. There still remained, in the public records, a great number of papers, which prove the necessity of this law, as well as the fallacy of our author's arguments. And though it be no easy matter, at the distance of two centuries, to prove any particular date to be false, yet surprising instances of this kind shall be produced. Nothing is more certain from history, than that the king was at Glasgow on the twenty-fourth of January, one thousand five hundred and sixty-seven; and yet the record of signatures from one thousand five hundred and sixty-five to one thousand five hundred and eighty-two, fol. 16th, contains the copy of a signature to Archibald Edmonston, said to have been subscribed by 'our sovereigns,' i. e. the king and queen, at Edinburgh, January the twenty-fourth, one thousand

five hundred and sixty-seven; so that if we were to rely implicitly upon the dates in the records of that age, or to hold our author's argument to be good, it would prove that not only the queen, but the king too was at Edinburgh on the twenty-fourth of January.

It appears from an original letter of the bishop of Ross, that on the twenty-fifth of October, one thousand five hundred and sixty-six, Mary lay at the point of death; Keith, Appendix, 134; and yet a deed is to be found in the public records, which bears that it was signed by the queen that day. Privy seal, lib. 35. fol. 89. *Ouchterlony*[d].

Bothwell seized the queen as she returned from Stirling, April the twenty-fourth, one thousand five hundred and sixty-seven, and, according to her own account, conducted her to Dunbar with all diligence. And. i. 95. But our author, relying on the dates of some papers which he found in the records, supposes that Bothwell allowed her to stop at Edinburgh, and to transact business there. Nothing can be more improbable than this supposition. We may, therefore, rank the date of the deed to *Wright*, Privy seal, lib. 36. fol. 43, and which is mentioned by our author, vol. i. 124, among the instances of the false dates of papers which were issued in the ordinary course of business in that age. Our author has mistaken the date of the other paper to *Forbes*, ibid.; it is signed April the fourteenth, not April the twenty-fourth.

If there be any point agreed upon in Mary's history, it is, that she remained at Dunbar from the time that Bothwell carried her thither, till she returned to Edinburgh along with him in the beginning of May. Our

[d] N. B. In some of the early editions of this Dissertation, another instance of the same nature with those which go before and follow was mentioned; but that, as has since been discovered, was founded on a mistake of the person employed to search the records, and is, therefore, omitted in this edition. The reasoning, however, in the Dissertation, stands still in force, notwithstanding this omission.

author himself allows that she resided twelve days there, vol. i. 367. Now though there are deeds in the records which bear that they were signed by the queen at Dunbar during that time, yet there are others which bear that they were signed at Edinburgh; e. g. there is one at Edinburgh, April the twenty-seventh, Privy seal, lib. 36. fol. 97. There are others said to be signed at Dunbar on that day. Lib. 31. Chart. No. 524. 526. Ib. lib. 32. No. 154. 157. There are some signed at Dunbar, April the twenty-eighth. Others at Edinburgh, April the thirtieth, lib. 32. Chart. No. 492. Others at Dunbar, May the first. Id. ibid. No. 158. These different charters suppose the queen to have made so many unknown, improbable, and inconsistent journeys, that they afford the clearest demonstration that the dates in these records ought not to be depended on.

This becomes more evident from the date of the charter said to be signed April the twenty-seventh, which happened that year to be a Sunday, which was not, at that time, a day of business in Scotland, as appears from the books of 'sederunt,' then kept by the lords of session.

From this short review of our author's proof of the forgery of the letters to Bothwell, it is evident, that his arguments are far from amounting to demonstration[e].

[e] The uncertainty of any conclusion formed merely on the date of public papers in that age, especially with respect to the king, is confirmed and illustrated by a discovery which was made lately. Mr. Davidson (to whom I was indebted for much information, when I composed this Dissertation thirty-three years ago) has, in the course of his intelligent researches into the antiquities of his country, found an original paper which must appear curious to Scottish antiquaries. Buchanan asserts, that on account of the king's frequent absence, occasioned by his dissipation and love of field-sports, a 'cachette,' or stamp cut in metal, was made, with which his name was affixed to public deeds, as if he had been present. Hist. lib. xvii. p. 343. Edit. Ruddim. Knox relates the same thing, Hist. p. 393. How much this may have divested the king of the consequence which he derived from having his name conjoined with that of the queen in all public deeds, as the affixing of his name was thereby put entirely in the power of the per-

Another argument against the genuineness of these letters is founded on the style and composition, which are said to be altogether unworthy of the queen, and unlike her real productions. It is plain, both from the great accuracy of composition in most of Mary's letters, and even from her solicitude to write them in a fair hand, that she valued herself on those accomplishments, and was desirous of being esteemed an elegant writer. But when she wrote at any time in a hurry, then many marks of inaccuracy appear. A remarkable instance of this may be found in a paper published, Good. ii. 301. Mary's letters to Bothwell were written in the utmost hurry; and yet under all the disadvantages of a translation, they are not destitute either of spirit or of energy. The manner in which she expresses her love to Bothwell has been pronounced indecent, and even shocking. But Mary's temper led her to warm expressions of her regard; those refinements of delicacy, which now appear in all the commerce between the sexes, were in that age but little known, even among persons of the highest rank. Among the earl of Hardwicke's papers, there is a series of letters, from Mary to the duke of Norfolk, copied from the Harleian library, p. 37. b. 9. fol. 88, in which Mary declares her love to that nobleman in language which would now be reckoned extremely indelicate; Hard. State Papers, i. 189, etc.

Some of Mary's letters to Bothwell were written before the murder of her husband; some of them after that event, and before her marriage to Bothwell. Those

son who had the custody of the 'cachette,' is manifest. The keeping of it, as both Buchanan and Knox affirm, was committed to Rizio. A late defender of queen Mary calls in question what they relate, and seems to consider it as one of their aspersions. Goodal, vol. i. p. 238. The truth of their assertion, however, is now fully established by the original deed which I have mentioned. This I have seen and examined with attention. It is now lodged by Mr. Davidson in the signet-office. In it, the subscription of the king's name has evidently been made by a 'cachette' with printers' ink.

which are prior to the death of her husband abound with the fondest expressions of her love to Bothwell, and excite something more than a suspicion that their familiarity had been extremely criminal. We find in them, too, some dark expressions, which her enemies employed to prove that she was no stranger to the schemes which were formed against her husband's life. Of this kind are the following passages: "Alace! I never dissavit ony body; but I remit me altogidder to zour will. Send me advertisement quhat I sall do, and quhatsaever thing come thereof, I sall obey zow. Advise to with zourself, gif ze can find out ony mair secret inventioun by medicine, for he suld tak medicine and the bath at Craigmillar." Good. ii. 22. "See not hir quhais fenzeit teiris suld not be sa meikle praisit and estemit, as the trew and faithfull travellis quhilk I sustene for to merit hir place. For obtaining of the quhilk, againis my natural, I betrayis thame that may impesche me. God forgive me," etc. Ibid. 27. "I have walkit later thairup, than I wald have done, gif it had not been to draw something out of him, quhilk this berer will schaw zow, quhilk is the fairest commodity that can be offerit to excuse zour affairis." Ibid. 32. From the letters posterior to the death of her husband, it is evident that the scheme of Bothwell's seizing Mary by force, and carrying her along with him, was contrived in concert with herself, and with her approbation[f].

[f] That letters of so much importance as those of Mary to Bothwell should have been entirely lost, appears to many altogether unaccountable. After being produced in England before Elizabeth's commissioners, they were delivered back by them to the earl of Murray. Good. ii. 235. He seems to have kept them in his possession during life. After his death, they fell into the hands of Lennox his successor, who restored them to the earl of Morton. Good. ii. 91. Though it be not necessarily connected with any of the questions which gave occasion to this Dissertation, it may, perhaps, satisfy the curiosity of some of my readers to inform them, that, after a very diligent search, which has lately been made, no copy of Mary's letters to Bothwell can be found in any of the public libraries in Great Britain. The only

With respect to the sonnets, sir David Dalrymple has proved clearly, that they must have been written

certain intelligence concerning them, since the time of their being delivered to Morton, was communicated by the accurate Dr. Birch.

Extract of the letters of Robert Bowes, esq. ambassador from queen Elizabeth to the king of Scotland, written to sir Francis Walsingham, secretary of state, from the original register book of Mr. Bowes's letters, from 15th of August, 1582, to 28th September, 1583, in the possession of Christopher Hunter, M.D. of Durham.

1582, 8th November, from Edinburgh.

Albeit I have been borne in hand, That the coffer wherein were the originals of letters between the Scottish queen and the earl of Bothwell, had been delivered to sundry hands, and thereby was at present wanting, and unknown where it rested, yet I have learned certainly by the prior of Pluscardyne's means, that both the coffer and also the writings are come, and now remain with the earl of Gowrie, who, I perceive, will be hardly intreated to make delivery to her majesty, according to her majesty's desire.

This time past I have expended in searching where the coffer and writings were, wherein, without the help of the prior, I should have found great difficulty; now I will essay Gowrie, and of my success you shall be shortly advertised.

12th of November, 1582, from Edinburgh.

Because I had both learned, that the casket and letters mentioned in my last, before these were come to the possession of the earl of Gowrie, and also found that no mean might prevail to win the same out of his hands without his own consent and privity; in which behalf I had employed fit instruments, that nevertheless profiting nothing; therefore I attempted to essay himself, letting him know that the said casket and letters should have been brought to her majesty by the offer and good means of good friends, promising to have delivered them to her majesty before they came into his hands and custody, and knowing that he did bear the like affection, and was ready to pleasure her majesty in all things, and chiefly in this that had been thus far tendered to her majesty, and which thereby should be well accepted and with princely thanks and gratuity be requited to his comfort and contentment; I moved him that they might be a present to be sent to her majesty from him, and that I might cause the same to be conveyed to her majesty, adding hereunto such words and arguments, as might both stir up a hope of liberality, and also best effect the purpose. At the first he was loth to agree that they were in his possession; but I let him plainly know that I was certainly informed that they were delivered to him by Sanders Jardin; whereupon he pressed to know who did so inform me, enquiring whether the sons of the earl of Morton had done it, or no. I did not otherwise in plain terms deny or answer thereunto, but that he might think that he had told me as the prior is ready to avouch, and well pleased that I shall give him to be the author thereof; after he had said [though] all these letters were in his keeping, (which he would neither grant nor deny,) yet he might not deliver

after the murder of the king, and prior to Mary's marriage with Bothwell. But as hardly any part of my

them to any person without the consents and privities, as well of the king, that had interest therein, as also of the rest of the noblemen enterprisers of the action against the king's mother, and that would have them kept as an evidence to warrant and make good that action. And albeit I replied, that their action in that part touching the assignation of the crown to the king by his mother, had received such establishment, confirmation, and strength, by acts of parliaments and other public authority and instruments, as neither should that case be suffered to come in debate or question, nor such scrolls and papers ought to be showed for the strengthening thereof, so as these might well be left and be rendered to the hands of her majesty, to whom they were destined before they fell in his keeping; yet he would not be removed or satisfied; concluding, after much reasonings, that the earl of Morton, nor any other that had the charge and keeping thereof, durst at any time make delivery; and because it was the first time that I had moved him therein, and that he would gladly both answer her majesty's good expectation in him, and also perform his duty due to his sovereign and associates in the action aforesaid; therefore he would seek out the said casket and letters, at his return to his house, which he thought should be within a short time; and upon finding of the same, and better advice and consideration had of the cause, he would give further answer. This resolution I have received as to the thing; and for the present I could not better, leaving him to give her majesty such testimony of his good-will towards her, by his frank dealing herein, as she may have cause to confirm her highnesses good opinion conceived already of him, and be thereby drawn to greater goodness towards him. I shall still labour him both by myself and also by all other means; but I greatly distrust the desired success herein.

24th of November, 1582, from Edinburgh.

For the recovery of the letters in the coffer, come to the hands of the earl of Gowrie, I have lately moved him earnestly therein, letting him know the purpose of the Scottish queen, both giving out that the letters are counterfeited by her rebels, and also seeking thereon to have them delivered to her or defaced, and that the means which she will make in this behalf shall be so great and effectual, as these writings cannot be safely kept in that realm without dangerous offence of him that hath the custody thereof, neither shall he that is once known to have them be suffered to hold them in his hands. Herewith I have at large opened the perils likely to fall to that action, and the parties therein, and particularly to himself that is now openly known to have the possession of these writings, and I have lettin him see what surety it shall bring to the said cause and all the parties therein, and to himself, that these writings may be with secrecy and good order committed to the keeping of her majesty, that will have them ready whensoever any use shall be for them, and by her highnesses countenance defend them and the parties from such wrongful objections as shall be laid against them, offering at length to him, that if he be not fully satisfied

narrative is founded upon what is contained in the sonnets, and as in this Dissertation I have been constrained

herein, or doubt that the rest of the associates shall not like of the delivery of them to her majesty in this good manner, and for the interest rehearsed that I shall readily, upon meeting and conference with them, procure their assent in this part (a matter more easy to offer than to perform;) and lastly, moving him that (for the secrecy and benefit of the cause, and that her majesty's good opinion towards himself may be firmly settled and confirmed by his acceptable forwardness herein) he would, without needless scruple, frankly commit these writings to her majesty's good custody for the good uses received. After long debate he resolved, and said, that he would unfeignedly shew and do to her majesty all the pleasure that he might without offence to the king his sovereign, and prejudice to the associates in the action, and therefore he would first make search and view the said letters, and herein take advice what he might do, and how far he might satisfy and content her majesty; promising thereon to give more resolute answer; and he concluded flatly that after he had found and seen the writings, that he might not make delivery of them without the privity of the king. Albeit I stood along with him against his resolution in this point, to acquaint the king with this matter before the letters were in the hands of her majesty, letting him see that his doings there should admit great danger to the cause; yet I could not remove him from it. It may be that he meaneth to put over the matter from himself to the king, upon sight whereof I shall travel effectually to obtain the king's consent, that the letters may be committed to her majesty's keeping, thinking it more easy to prevail herein with the king, in the present love and affection that he beareth to her highness, than to win any thing at the hands of the associates in the action, whereof some principal of them now come and remain at the devotion of the king's mother; in this I shall still call on Gowrie, to search out the coffer, according to his promise; and as I shall find him minded to do therein, so shall I do my best and whole endeavour to effect the success to her majesty's best contentment.

2d December, 1582, from Edinburgh.

Because I saw good opportunity offered to renew the matter to the earl of Gowrie for recovery of the letters in the coffer in his hands, therefore I put him in mind thereof; whereupon he told me that the duke of Lennox had sought earnestly to have had those letters, and that the king did know where they were, so as they could not be delivered to her majesty without the king's privity and consent, and he pretended to be still willing to pleasure her majesty in the same, so far as he may with his duty to the king and to the rest of the associates in that action; but I greatly distrust to effect this to her majesty's pleasure, wherein, nevertheless, I shall do my utmost endeavours.

Whether James the sixth, who put the earl of Gowrie to death, a. d. 1584, and seized all his effects, took care to destroy his mother's letters, for whose honour he was at that time extremely zealous; whether they

to dwell longer upon minute and verbal criticisms, than may be interesting or agreeable to many of my readers, I shall rest satisfied with referring, for information concerning every particular relative to the sonnets, to Remarks on the History of Scotland, Chap. xi.

Having thus stated the proof on both sides; having examined at so great a length the different systems with regard to the facts in controversy; it may be expected that I should now pronounce sentence. In my opinion, there are only two conclusions, which can be drawn from the facts which have been enumerated.

One, that Bothwell, prompted by his ambition or love, encouraged by the queen's known aversion to her husband, and presuming on her attachment to himself, struck the blow without having concerted with her the manner or circumstances of perpetrating that crime. That Mary, instead of testifying much indignation at the deed, or discovering any resentment against Bothwell, who was accused of having committed it, continued to load him with marks of her regard, conducted his trial in such a manner as rendered it impossible to discover his guilt, and soon after, in opposition to all the maxims of decency or of prudence, voluntarily agreed to a marriage with him, which every consideration should have induced her to detest. By this verdict, Mary is not pronounced guilty of having contrived the murder of her husband, or even of having previously given her consent to his death; but she is not acquitted of having discovered her approbation of the deed, by her behaviour towards him who was the author of it.

The other conclusion is that which Murray and his adhérents laboured to establish, "That James, sometymme earl of Bothwile, was the chiefe executor of the horribill and unworthy murder, perpetrat in the person of umquhile king Henry of gude memory, fader to our

have perished by some unknown accident, or whether they may not still remain unobserved among the archives of some of our great families, it is impossible to determine.

soveraine lord, and the queenis lauchfull husband; sa was she of the foreknowledge, counsall, device, perswadar and command of the said murder to be done." Good. ii. 207.

Which of these conclusions is most agreeable to the evidence that has been produced, I leave my readers to determine.

APPENDIX.

N°. I. Vol. I. Page 172.

A MEMORIAL[a] OF CERTAIN POINTS MEET FOR THE RESTORING THE REALM OF SCOTLAND TO THE ANTIENT WEALE.

IMPRIMIS, it is to be noted, that the best worldly felicity that Scotland can have, is either to continue in a perpetual peace with the kingdom of England, or to be made one monarchy with England, as they both make but one island, divided from the rest of the world.

If the first is sought, that is, to be in perpetual peace with England, then must it necessarily be provided, that Scotland be not so subject to the appointments of France as is presently, which, being an antient enemy to England, seeketh always to make Scotland an instrument, to exercise thereby their malice upon England, and to make a footstool thereof to look over England as they may.

Therefore, when Scotland shall come into the hands of a mere Scottish man in blood, then may there be hope of such accord; but as long as it is at the commandment of the French, there is no hope to have accord long betwixt these two realms.

Therefore, seeing it is at the French king's commandment by reason of his wife, it is to be considered for the weale of Scotland, that until she have children, and during her absence out of the realm, the next heirs to the crown, being the house of the Hamiltons, should have regard hereto, and to see that neither the crown be imposed nor wasted; and, on the other side, the nobility and commonalty ought to force that the laws and the old customs of the realm be not altered, neither that the country be not impoverished by taxes, emprest, or new imposts, after the manner of France; for provision wherein, both by the law of God and man, the French king and his wife may be moved to reform their misgovernance of the land.

And for this purpose it were good that the nobility and com-

[a] August 5, 1559, Cotton Lib. Cal. b. 10. fol. 17. From a copy in secretary Cecil's hand.

mons joined with the next heir of the crown, do seek due reformation of such great abuses as tend to the ruin of their country, which must be done before the French grow too strong and insolent.

First, That it may be provided by consent of the three estates of the land, that the land may be free from all idolatry like as England is; for justification whereof, if any free general council may be had where the pope of Rome have not the seat of judgment, they may offer to shew their cause to be most agreeable to Christ's religion.

Next, To provide that Scotland might be governed, in all rules and offices, by the antient blood of the realm, without either captains, lieutenants, or soldiers, as all other princes govern their countries, and especially that the forts might be in the hands of mere Scottish men.

Thirdly, That they might never be occasioned to enter into wars against England, except England should give the first cause to Scotland.

Fourthly, That no nobleman of Scotland should receive pension of France, except it were whilst he did serve in France, for otherwise thereby the French would shortly corrupt many to betray their own country.

Fifthly, That no office, abbey, living or commodity, be given to any but mere Scottish men, by the assent of the three estates of the realm.

Sixthly, That there be a council in Scotland appointed in the queen's absence, to govern the whole realm, and in those cases not to be directed by the French.

Seventhly, That it be by the said three estates appointed how the queen's revenue of the realm shall be expended, how much the queen shall have for her portion and estate during her absence, how much shall be limited to the governance and defence of the realm, how much yearly appointed to be kept in treasure.

In these, and such like points, if the French king and the queen be found unwilling, and will withstand these provisions for the weale of the land, then hath the three estates of the realm authority, forthwith, to intimate to the said king and queen their humble requests; and if the same be not effectually granted, then humbly they may commit the governance thereof to the next heir of the crown, binding the same also to observe the laws and antient rights of the realm.

Finally, If the queen shall be unwilling to this, as it is likely she will, in respect of the greedy and tyrannous affection of France, then it is apparent that Almighty God is pleased to transfer from her the rule of the kingdom for the weal of it, and this time must be used with great circumspection to avoid the decepts and tromperies of the French.

And then may the realm of Scotland consider, being once made free, what means may be devised by God's goodness, to accord the two realms, to endure for time to come at the pleasure of Almighty God, in whose hands the hearts of all princes be.

N°. II. Vol. I. Page 179.

A LETTER [b] OF MAITLAND OF LETHINGTON'S, THUS DIRECTED:

To my loving friend James. Be this delivered at London.

I understand by the last letter I received from yow, that discoursing with zour countrymen upon the matter of Scotland, and commoditeys may ensew to that realm hereafter, giff ze presently assist ws with zour forces, ze find a nombre of the contrary advise, doubting that we sall not at length be found trusty frends, nor mean to contynew in constant ametye, albeit we promise, but only for avoyding the present danger make zou to serve our turne, and after being delivered, becum enemies as of before. For profe quhareof, they alledge things that have past betwixt ws heretofore, and a few presumptiones tending to the sam end, all grounded upon mistrust; quhilks, at the first sicht, have some shewe of apparence, gif men wey not the circumstances of the matter; but gif they will confer the tyme past with the present, consider the nature of this caus, and estate of our contrey, I doubt not but jugement sal be able to banish mistrust. And first, I wad wish ze should examyne the causes off the old inmitye betwixt the realms of England and Scotland, and quhat moved our ancestours to enter into ligue with the Frenche; quhilks by our storeys and registres of antiquiteys appear to be these. The princes of England, some tyme, alledging a certain kynde of soveraintye over this realm; some tyme upon hye courage, or incited by incursions off our bordourares, and semblable occasions, mony tymes enterprised the conquest of ws, and sa far furth preist it by force off armes, that we were dryven to great extramiteys, by loss of our princes, our noblemen, and a good part of our cuntrey, sa that experience taught ws that our owne strength was scarse sufficient to withstand the force of England. The Frenche zour auncient enemyes, considering well how nature had sa placed ws in a iland with zow, that na nation was able sa to annoye England as we being enemyes, soucht to joine ws to theym in ligue, tending by that meane to detourne zour armyes from the invasion of France, and occupy zow in the defence off zour country at hame, offering for that effect to bestowe some charges upon ws, and for compassing off theyr purpos, choysed a tyme to propone the matter, quhen the fresche memory off injuris lately receaved at zour hands, was sa depely prented on our hartes, that all our myndes were occupied how to be revenged, and arme ourselfes with the powar off a forayne prince against zour enterprises thereafter.

This wes the beginning off our confederacy with France. At quhilk time, our cronicles maks mention, that some off the wysest foresaw the perril, and small frute should redound to ws thereof

[b] January 20, 1559-60. Cott. Lib. Cal. b. ix. From the original in his own hand.

at lenth: zit had affection sa blinded jugement, that the advise of the maist part owercame the best. The maist part of all querells betwixt ws since that tyme, at least quhen the provocation came on our syde, hes ever fallen out by theyr procurement rather than any one caus off our selfes: and quhensaever we brack the peace, it come partly by theyr intysements, partly to eschew the conquest intended by that realm. But now hes God's providence sa altered the case, zea changed it to the plat contrary, that now hes the Frenche taken zour place, and we, off very jugement, becum desyrous to have zow in theyr rowme. Our eyes are opened, we espy how uncareful they have been of our weile at all tymes, how they made ws ever to serve theyr turne, drew us in maist dangerous weys for theyr commodite, and nevertheless wad not styck, oft tymes, against the natour of the ligue, to contrak peace, leaving ws in weyr. We see that their support, off late zeres, wes not grantit for any affection they bare to ws, for pytie they had off our estate, for recompense off the lyke friendship schawin to them in tyme off theyr afflictiones, but for ambition, and insaciable cupidite to reygne, and to mak Scotland ane accessory to the crown of France. This was na friendly office, but mercenary, craving hyre farre exceeding the proportion of theyr deserving; a hale realm for the defence of a part. We see theym manifestly attempt the thing we suspected off zow; we feared ze ment the conquest off Scotland, and they are planely fallen to that work; we hated zow for doubt we had ze ment evill towards ws, and sall we love theym, quhilks bearing the name off frends, go about to bring ws in maist vile servitude? Gif by zour frendly support at this tyme, ze sall declare that not only sute ze not the ruyne off our country, but will preserve the libertie thereof from conquest by strangeares, sall not the occasion off all inimitie with zow, and ligue with theym, be taken away? The causes being removed, how sall the effectes remane? The fear of conquest made ws to hate zow and love theym, the cais changed, quhen we see theym planely attempt conquest, and zow schaw ws frendship, sall we not hate them, and favour zow? Gif we have schawne sa great constance, continuing sa mony zeares in amity with theym, off quhome we had sa small commodite, quhat sall move us to breake with zow, that off all nationes may do ws greatest plesour?

But ze will say, this mater may be reconcyled and then frends as off before. I think weill peace is in the end of all weyr, but off this ze may be assured, we will never sa far trust that reconciliation, that we wil be content to forgo the ametye of England, nor do any thing may bring ws in suspicion with zow. Giff we wold at any tyme to please theym, break with zow, should we not, besydes the losse off estimation and discrediting of ourselfes, perpetually expone our common weill to a maist manifest danger, and becum a pray to theyr tyranny? Quhais aid could we implore, being destitute of zour frendship, giff they off new wald attempt theyr formar enterprise? Quhat nation myght help ws giff they wald, or wald giff they might? and it is lyke eneuch,

they will not stick hereafter to tak theyr time off ws, quhen displesour and grudge hes taken depe rute on baith sydes, seeing ambition has sa impyrit ower theyr reason, that before we had ever done any thing myght offend theym, but by the contrary pleased them by right and wrang, they did not stick to attempte the subversion of our hale state. I wald ze should not esteeme ws sa barayne of jugement, that we cannot forese our awne peril; or sa foolische, that we will not study by all gode means to entertayne that thing may be our safetye; quhilk consistes all in the relaying of zour frendships. I pray zow consider in lyke case, when, in the days of zour princes off maist noble memory king Henry the VIII. and king Edward the VI. meanes wer opened off amytye betwixt baith realms; was not at all tymes the difference of religion the onley stay they wer not embraced? Did not the craft of our clergy and power of theyr adherents subvert the devises of the better sort? But now has God off his mercy removed that block furth of the way; now is not theyr practise lyke to tak place any mare, when we ar comme to a conformity off doctrine, and profes the same religion with zow, quhilk I take to be the straytest knot off amitye can be devised. Giff it may be alledged that some off our countrymen, at ony tyme violated theyr promis? giff ze liff to way the circumstances, ze sall fynd the promis is rather brought on by necessitie, after a great overthraw off our men, then comme off fre will, and tending ever to our great incommodite and decay off our haill state, at leist sa taken. But in this case, sall the preservation off our libertie be inseperably joined with the keeping off promesse, and the violation off our fayth cast ws in maist miserable servitude. Sa that giff neyther the feare off God, reverence of man, religion, othe, promise, nor warldly honestye wes sufficient to bynd ws, yet sall the zeale off our native countrey the maintenance off our owne state, the safety of our wyffes and childrene from slavery, compell ws to kepe promisse. I am assured, it is trewly and sincerely ment on our part to continew in perpetual ametye with zow; it sall be uttered by our proceedings. Giff ze be as desirous of it as we ar, assurances may be devysed, quharby all partyes will be out of doubte. There be gode means to do it, fit instruments for the purpos, tyme serves weill, the inhabitants of baith realms wish it, God hes wrought in the people's hartes on bayth parties a certaine still agreement upon it, never did, at any tyme, so mony things concurre at ones to knyt it up, the disposition off a few, quahis harts are in Godis hands, may mak up the hale. I hope he quha hes begun this work, and mainteyned it quhile now, by the expectation of man, sale perfyte it.

I pray zow, let not zour men dryve tyme in consultation, quhether ze sall support ws or no. Seying the mater speaketh for itself, that ze mon take upon zow the defence off our caus, giff ze have any respect for zour awne weill. Their preparatives in France, and levying of men in Germany, (quheyroff I am lately advertised,) ar not altogydder ordeyned for us, ze ar the mark they shote at; they seke our realme, but for ane entrey to zours.

Giff they should directly schaw hostilite to zow, they knaw zo wald mak redy for theyme, therefor they do, by indirect meanes, to blind zow, the thing they dare not as zit planely attempte. They seme to invade us to th' end, that having assembled theyr hale forces sa nere zour bordours, they may unlok it to attack zow: It is ane off their ald fetches, making a schew to one place, to lyght on ane other. Remember how covertly zour places about Boulougne were assaizeit, and carryed away, ze being in peace as now. How the enterprise of Calais was fynely dissembled, I think ze have not sa sone forgotten. Beware of the third, prevent theyr policy by prudence. Giff ze se not the lyke disposition presently in theym, ze se nathing. It is a grosse ignorance to misknaw, what all nations planely speks off. Tak heed ze say not hereafter, "Had I wist;" ane uncomely sentence to procede off a wyse man's mouth. That is onwares chanced on to zow, quhilk zow commonly wissed, that this countrey might be divorsed from the Frensche, and is sa comme to pass as was maist expedient for zow. For giff by your intysement we had taken the mater in hand, ze myght have suspected we would have been untrusty frends, and na langer continued stedfaste, then perril had appeared. But now, quhen off our self, we have conceyved the hatered, provoked by private injuries, and that theyr evil dealing with ws hes deserved our inimitye, let no man doubte but they sall fynd ws ennemyes in ernest, that sa ungently hes demeyned our countrey, and at quhais hands we look for nathing but all extremitye, giff ever they may get the upper hand. Let not this occasion, sa happely offered, escape zow: giff ze do, neglecting the present opportunite, and hoping to have ever gode luk, comme sleaping upon zow, it is to be feared zour enemye waxé so great, and sa strang, that afterwards quhen ze wald, ze sall not be able to put him down; and then, to zour smart, after the tyme ze will acknowledge zour error. Ze have felt, by experience, quhat harme cometh off oversight, and trusting to zour enemyes promesse. We offer zow the occasion, quheyrby zour former losses may be repayred. Quhilk gif ze let over slyde, suffering us to be owerrun, quha then, I pray zow, sall stay the Frensche, that they sall not invade zow in zour own boundes, sic is their lust to reygne, that they can neyther be content with theyr fortune present, nor rest and be satisfied when they have gode luck, but will still follow on, having in theyr awne brayne conceaved the image of sa great a conquest, quhat think ye sal be the end? Is ther any of sa small jugement, that he doth not foresee already, that theyr hail force sall then be bent against zow?

It sall not be amis, to consider in quhat case the Frensche be presently. Theyr estate is not always sa calme at hame as every man thinketh. And trewly it wes not theyr great redines for weyr made theym to tak this mater on hand, at this tyme, but rather a vayne trust in their awne policy, thinking to have found na resistance, theyr opinion has deceaved theym, and that makes them now amased. The estates off the empire (as I heare)

has suted restitution off th' imperial towns Metz, Toull, and Verdun, quhilk may grow to some besynes; and all thing is not a calme within theyr awne countrey, the les fit they be presently for weyr, the mare oportune esteme ye the tyme for zow. Giff the lyke occasion wer offered to the Frensche against zow, wey, how gladly would they embrace it. Are ze not eschamed of zour sleuth, to spare theym that hes already compassed zour destruction, giff they wer able? Consider with zour self quhilk is to be choysed? To weyr against them out with zour realme or within? Giff quhill ze sleape, we sal be overthrowne, then sall they not fayle to fute zow in zour awne countrey, and use ws as a fote stole to overloke zow. But some will say, perhaps, they meane it not. It is foly to think they wald not giff they wer able, quhen before hand they stick not to giff zour armes, and usurpe the style of zour crown. Then quhat difference there is to camp within zowr awne bounds or without, it is manifest. Giff twa armyes should camp in your countrey, but a moneth; albeit ye receaved na other harme, zit should zowr losse be greatar, nor all the charge ze will nede to bestow on our support will draw to, besydes the dishonour.

Let not men, that eyther lack gode advise, or ar not for perticular respects weill affected to the caus, move zow to subtract zour helping hand, by alleging things not apparent, for that they be possible. It is not, I grant, unpossible that we may receave conditiones of peace; but I see little likelyhode that our ennemyes will offer ws sik as will remove all mistrust, and giff we wald have accepted others, the mater had bene lang or now compounded. Let zow not be moved for that they terme ws rebelles, and diffames our just querell with the name of conspiracy against our soverayne. It is hir hyenes ryght we manetayne. It is the liberty off hir realme we study to preserve with the hazard of our lyves. We are not (God knaweth) comme to this poynt for wantones, as men impacient of rewll, or willing to schake off the zoke of government, but ar drawne to it by necessite, to avoyde the tyranny of strangeares, seeking to defraude ws off lawful government. Giff we should suffer strangeares to plant themselffes peaceably in all the strenthes of our realme, fortify the seyportes, and maist important places, as ane entre to a plain conquest, now in the minorite of our soverane, beyng furth of the realme, should we not be thought oncarefull off the common weill, betrayares of our native countrey, and evill subjects to hir majeste? Quhat other opinion could sche have off ws? Might she not justly hereafter call ws to accompt, as negligent ministeres? Giff strangeares should be thus suffered to broke the chefe offices, beare the hail rewll, alter and pervert our lawes and liberty at theyr plesour; myght not the people esteem our noblemen unworthy the place of counsalours? We mean na wyse to subtrak our obedience from our soverane, to defraud hir hyenes off her dew reverence, rents and revenues off hir crown. We seke nathing but that Scotland may remane, as of before, a fre realme, rewlit

by hir hyenes and hir ministeres borne men of the sam; and that the succession of the crown may remane with the lawful blode.

I wald not ze sould not sa lyttill esteme the friendship of Scotland, that ze judged it not worthy to be embraced. It sall be na small commodite for zow to be delivered off the anoyance of so neir a nyghtbour, quhais inimitye may more trouble zow, then off any other nation albeit twyss as puissant, not lyeng dry marche with zow. Besydes that ze sall not nede to feare the invasion of any prince lackyng the commodite to invade zow by land, on our hand. Consider quhat superfluous charges ze bestowe on the fortification and keping of Barwick: quhilk ze may reduce to a mean sowme, having ws to frendes. The realme of Ireland being of natour a gode and fertill countrey, by reason of the continewalld unquietnes and lak of policy, ze knaw to be rather a burthen unto zow than great advantage; and giff it were peaceable may be very commodious. For pacification quhayroff, it is not onknowne to zow quhat service we ar abill to do. Refuse not theyr commoditeys, besides mony ma quhen they are offred. Quhilks albeit I study not to amplify and dilate, yet is na other countrey able to offer zow the lyke, and are the rather to be embraced, for that zour auncestors, by all meanes, maist earnestly suted our amity, and yet it was not theyr hap to come by it. The mater hes almaist carryed me beyond the boundes off a lettre, quharfor I will leave to trouble zow after I have geven you this note. I wald wiss that ze, and they that ar learned, sould rede the twa former orations of Demosthenes, called Olynthiacæ, and considere quhat counsall that wyse oratour gave to the Athenians, his countrymen, in a lyke case; quhilk hes so greate affinite with this cause of ours, that every word thereoff myght be applyed to our purpos. There may ze learne of him quhat advise is to be followed, when your nyghbours hous is on fyre. Thus I bid zow hartely fareweill. From Sant Andrews, the 20th of January 1559.

N°. III. Vol. I. Page 186.

PART OF A LETTER[c] FROM THO. RANDOLPH TO SIR WILLIAM CECIL, FROM THE CAMP BEFORE LEITH, 29TH OF APRIL 1560.

I will only, for this time, discharge myself of my promise to the earl of Huntly, who so desyreth to be recommended to you, as one, who, with all his heart, favoureth this cause, to the uttermost of his power. Half the words that come out of his mouth were able to persuade an unexperienced man to speak farther in his behalf, than I dare be bold to write. I leave it to your honour to judge of him, as of a man not unknown to you, and will myself always measure my thoughts, as he shall deserve to be spoken of. With much difficulty, and great persuasion, he

[c] An original in the paper office.

hath subscribed with the rest of the lords to join with them in this action; whatsomever he can invent to the furtherance of this cause, he hath promised to do with solemn protestation and many words; he trusteth to adjoin many to this cause; and saith surely that no man shall lie where he taketh part. He hath this day subscribed a bond between England and this nation; he saith, that there was never thing that liked him better.

N°. IV. Vol. I. Page 196.

RANDOLPH TO CECIL, 10TH AUGUST 1560. FROM EDINBURGH[d].

Since the 29th of July, at what time I wrote last to your honour, I have heard of nothing worth the reporting. At this present it may please you to know, that the most part of the nobles are here arrived, as your honour shall receive their names in writing. The earl of Huntly excuseth himself by an infirmity in his leg. His lieutenant for this time is the lord of Lidington, chosen speaker of the parliament, or harangue-maker as these men term it. The first day of their sitting in parliament will be on Thursday next. Hitherto as many as have been present of the lords have communed and devised of certain heads then to be propounded, as, who shall be sent into France, who into England. It is much easier to find them than the other. It seemeth almost to be resolved upon that for England the master of Maxwell, and laird of Lidington. For France Pittarow and the justice clerk. Also they have consulted whom they think meetest to name for the XXIV. of the which the XII. counsellors must be chosen. They intend very shortly to send away Dingwall the herald into France, with the names of those they shall chuse; and also to require the king and queen's consent unto this parliament. They have devised how to have the contract with England confirmed by authority of parliament; how also to have the articles of the agreement between them and their king and queen ratified. These things yet have only been had in communication. For the confirmation of the contract with England I have no doubt; for that I hear many men very well like the same, as the earl of Athol, the earl of Sutherland, the L. Glamis, who dined yesterday with the L. James. The lord James requested me this present day to bring the contract unto him. I intend, also, this day, to speak unto the L. Gray, in our L. Gray's name, for that he promised in my hearing to subscribe, and then presently would have done it, if the contract could have been had. For the more assurance against all inconvenients, I would, besides that, that I trust it shall be ratified in parliament, that every nobleman in Scotland had put his hand and set his seal, which may always remain as a notable monument, tho' the act of parliament be hereafter disannulled. If it might, therefore, stand with your advice, that the

[d] An original in the paper office.

lords might be written unto, now that they are here present, to that effect, or that I might receive from your hon^r, some earnest charge to travel herein, I doubt not but it would serve to good purpose. If it might be also known with what substantial and effectious words or charge you desire to have it confirmed, I think no great difficulty would be made. The earl marshal has often been moved to subscribe, he useth mo delays than men judged he would. His son told me yesterday, that he would speak with me at leisure, so did also Drumlanrick; I know not to what purpose: I have caused L. James to be the earnester with the L. Marshal, for his authority's sake, when of late it was in consultation by what means it might be wrought, that the amity between these two realms might be perpetual; and among diverse men's opinion, one said that he knew of no other, but by making them both one, and that in hope of that mo things were done, than would otherwise have ever been granted: the earl of Argyll advised him earnestly to stick unto that, that he had promised, that it should pass his power and all the crafty knaves of his counsel, (I am bold to use unto your h. his own words,) to break so godly a purpose. This talk liked well the assisters, howsomever it pleased him to whom it was spoken unto. The barons, who in time past have been of the parliament, had yesterday a convention among themselves in the church, in very honest and quiet sort; they thought it good to require to be restored unto their ancient liberty, to have voice in parliament. They presented that day a bill unto the lords to that effect, a copy whereof shall be sent as soon as it can be had. It was answered unto gently, and taken in good part. It was referred unto the lords of the articles, when they are chosen, to resolve thereupon.——*Here follows a long paragraph concerning the fortifications of Dunbar, etc.*—— This present morning, *viz.* the 9th, I understood, that the lords intended to be at the parliament, which caused me somewhat to stay my letter, to see what I could hear or learn worth the reporting unto your hon^r. The lords, at ten of the clock, assembled themselves at the palace, where the duke lieth; from whence they departed towards the Tolbooth, as they were in dignity. Each one being set in his seat, in such order as your h. shall receive them in this scroll. The crown, the mace, the sword, were laid in the queen's seat. Silence being commanded, the L. of Lidington began his oration. He excused his insufficiency to occupy that place. He made a brief discourse of things past, and of what necessity men were forced unto for the defence of their country, what remedy and support it pleased God to send them in the time of their necessity, how much they were bound heartily to acknowledge it, and to require it. He took away the persuasion that was in many men's mind that lay back, that misdeemed other things to be meant than was attempted. He advised all estates to lay all particulars apart, and to bend themselves wholly to the true service of God and of their country. He willed them to remember in what state it had been of long time for lack of government, and exercise of justice. In the end, he exhorted them

to mutual amity and hearty friendship, and to live with one another as members all of one body.——He prayed God long to maintain this peace and amity with all princes, especially betwixt the realms of England and Scotland, in the fear of God, and so ended. The clerk of register immediately stood up, and asked them to what matter they would proceed: it was thought necessary, that the articles of the peace should be confirmed with the common consent, for that it was thought necessary to send them away with speed into France, and to receive the ratification of them as soon as might be. The articles being read, were immediately agreed unto: a day was appointed to have certain of the nobles subscribe unto them, and to put their seals, to be sent away by a herald, who shall also bring the ratification again with him. The barons, of whom I have above written, required an answer to their request; somewhat was said, unto the contrary. The barons alleged for them custom and authority. It was in the end resolved, that there should be chosen six to join with the lords of the articles, and that if they, after good advisement, should find it right and necessary for the commonwealth, it should be ratified at this parliament for a perpetual law. The lords proceeded immediately hereupon, to the chusing of the lords of the articles. The order is, that the lords spiritual chuse the temporal, and the temporal the spiritual, and the burgesses their own. There were chosen as in this other paper I have written. This being done, the lords departed and accompanied the duke, all as far as the Bow, (which is the gate going out of the high street,) and many down into the palace where he lieth. The town all in armour, the trumpets sounding, and other music such as they have. Thus much I report unto your honour of that I did both hear and see. Other solemnities have not been used, saving in times long past the lords have had parliament robes, which are now with them wholly out of use.

The names of as many earls and lords spiritual and temporal as are assembled at this parliament:

The duke of Chatelherault.

Earls.	*Lords.*	*Lords spiritual.*
Arran.	Erskine.	St. Andrews.
Argyll.	Ruthven.	Dunkell.
Athole.	Lindsey.	Athens.
Crawford.	Somerville.	The bishop of the Isles.
Cassils.	Cathcart.	Abbots and priors, I know not how many.
Marshall.	Hume.	
Morton.	Livingston.	
Glencairn.	Innermeth.	
Sutherland.	Boyd.	
Caithness.	Ogilvy.	
Rothes.	Fleming.	
Monteith.	Glamis.	
	Gray.	
	Ochiltree.	
	Gordon.	

The lords of the articles.

Spiritual.	*Temporal.*	*Barons elected to be of the articles.*
Athens.	The Duke.	Maxwell.
Isles.	Argyll.	Tillibardine.
Lord James.	Marshall.	Cunninghamhead.
Arbroath.	Athole.	Lochenvar.
Newbottle.	Morton.	Pittarow.
Lindoris.	Glencairn.	Lundy.
Cowpar.	Ruthven.	Ten provosts of the chief towns,
Kinross.	Erskine.	which also are of the articles.
Kilwinning.	Boyd.	
	Lindsay.	

So that, with the subprior of St. Andrew's, the whole is 36.

It were too long for me to rehearse particularly the disposition, and chiefly the affections of these men, that are at this time chosen lords of the articles. May it satisfy your hon^r. for this time to know that, by the common opinion of men, there was not a substantialler or more sufficient number of all sorts of men chosen in Scotland these many years, nor of whom men had greater hope of good to ensue. This present morning, viz. the 10th, the l. of Lidington made me privy unto your letter; he intendeth, as much as may be, to follow your advice. Some hard points there are. He himself is determined not to go into France. He allegeth many reasons, but speaketh least of that, that moveth him most, which is the example of the last, that went on a more grateful message than he shall carry, and stood on other terms with their prince than he doth, and yet your honour knoweth what the whole world judgeth.

PETITION OF THE LESSER BARONS TO THE PARLIAMENT HELD AUG. 1560[e].

My lords, unto your lordships, humbly means and shows, we the barons and freeholders of this realm, your brethren in Christ, That whereas the causes of true religion, and common well of this realm, are, in this present parliament, to be treated, ordered, and established, to the glory of God, and maintenance of the commonwealth; and we being the greatest number in proportion, where the said causes concern, and has been, and yet are ready to bear the greatest part of the charge thereuntil, as well in peace as in war, both with our bodies and with our goods; and seeing there is no place where we may do better service now than in general councils and parliaments, in giving our best advice and reason, vote and councell for the furtherance thereof, for the maintenance of virtue and punishment of vice, as use and custom had been of old by ancient acts of parliament observed in

[e] Inclosed in Randolph's letter to Cecil, 15th August, 1560.

this realm; and whereby we understand that we ought to be heard to reason and vote in all causes concerning the commonwealth, as well in councils as in parliament; otherwise we think that whatsomever ordinances and statutes be made concerning us and our estate, we not being required and suffered to reason and vote at the making thereof, that the same should not oblige us to stand thereto. Therefore it will please your lordships to take consideration thereof, and of the charge born, and to be born by us, since we are willing to serve truly to the common well of this realm, after our estate, that ye will, in this present parliament, and all counsells, where the common well of the realm is to be treated, take our advice, counsell and vote, so that, without the same, your lordships would suffer nothing to be passed and concluded in parliament or councils aforesaid; and that all acts of parliament made, in times past, concerning us for our place and estate, and in our favour, be at this present parliament confirmed, approved, and ratified, and act of parliament made thereupon. And your lordships answer humbly beseeches.

Of the success of this petition, the following account is given by Randolph; Lett. to Cecil, 19 Aug. 1560. The matters concluded and past by common consent on Saturday last, in such solemn sort as the first day that they assembled, are these: First, that the barons according to an old act of parliament, made in the time of James I., in the year of God, 1427, shall have free voice in parliament, this act passed without any contradiction.

N°. V. Vol. I. p. 205.

A LETTER[f] OF THOMAS RANDOLPH, THE ENGLISH RESIDENT, TO THE RIGHT WORSHIPFUL SIR WILLIAM CECIL, KNT. PRINCIPAL SECRETARY TO THE QUEEN'S MAJESTY.

I have received your honour's letters of the first of this month, written at Osyes in Essex: and also a letter unto the lord James, from his kinsman St. Come out of France: in this they agree both that the queen of Scotland is nothing changed of her purpose in home coming. I assure your honour that will be a stout adventure for a sick crased woman, that may be doubted as well what may happen unto her upon the seas, as also how heartily she may be received when she cometh to land of a great number, who are utterly persuaded that she intendeth their utter ruin, come when she will; the preparance is very small whensoever that she arrive, scarcely any man can be persuaded that she hath any such thought in her head. I have shewn your honour's letter unto the lord James, lord Morton, lord Lidington; they wish as your honour doth, that she might be stayed yet for a space, and if it were not for their obedience sake, some of them care not tho' they never saw her face. They travel what they can to prevent the

[f] August 9, 1561. Cott. Lib. b. 10. fol. 32.

wicked devices of these mischievous purposes of her ministers, but I fear that that will always be found that 'filij hujus seculi,' they do what they can to stand with the religion, and to maintain amity with their neighbours; they have also need to look unto themselves, for their hazard is great, and that they see there is no remedy nor safety for themselves, but to repose themselves upon the queen's majesty our sovereign's favour and support. Friends abroad they have none, nor many in whom they may trust at home. There are in mind shortly to try what they may be assured at of the queen's majesty, and what they may assuredly perform of that they intend to offer for their parties. This the queen of Scotland above all other things doubteth; this she seeketh by all means to prevent; and hath caused St. Cosme, in her name, earnestly to write to charge him that no such things be attempted before her coming home; for that it is said, that they too already arrived here out of England for the purpose, what semblance somever the noblemen do make, that they are grieved with their queen's refusal, that cometh far from their hearts. They intend to expostulate with me hereupon. I have my answer ready enough for them. If she thrust Englishmen all out of this country, I doubt not but there will be some of her own that will bear us some kindness. Of me she shall be quit, so soon as it pleaseth the queen's majesty, my mistress, no longer to use my service in this place. By such talk, as I have of late had with the lord James and lord of Lidington, I perceive that they are of mind that immediately of the next convention, I shall repair towards you with their determinations, and resolutions, in all purposes, wherein your honour's advice is earnestly required, and shortly looked for. Whatsomever I desire myself, I know my will ought to be subject unto the queen my sovereign's pleasure, but to content myself, would God I were so happy as to serve her majesty in as mean a state as ever poor gentleman did, to be quit of this place; not that I do in my heart wax weary of her majesty's service, but because my time and years require some place of more repose and quietness than I find in this country. I doubt also my insufficience when other troubles in this country arise, or ought shall be required of me to the advancement of her majesty's service, that either my will is not able to compass, or my credit sufficient to work to that effect, as perchance shall be looked for at my hands. As your honour hath been a means of my continuance in this room, so I trust that I shall find that continual favour at your hands, that so soon as it shall stand with the queen's majesty's pleasure, I may give this place unto some far worthier than I am myself, and in the mean season have my course directed by your good advice how I may by my contrivance do some such service as may be agreeable to her majesty's will and pleasure.

These few words, I am bold to write unto your honour of myself. For the rest, where that is wished that the lords will stoutly continue yet for one month, I assure your honour that there is yet nothing omitted of their old and accustomed manner

of doing, and seeing that they have brought that unto this point, and should now prevail, they were unworthy of their lives.

I find not that they are purposed so to leave the matter. I doubt more her money than I do her fair words; and yet can I not conceive what great things can be wrought with forty thousand crowns, and treasure of her own here I know there is no sure or ready means to get it. The lord of Lidington leaveth nothing at this time unwritten, that he thinketh may be able to satisfye your desire, in knowledge of the present state of things here. Whatsomever cometh of that, he findeth it ever best, that she come not; but if she do come, to let her know, at the first, what she shall find, which is due obedience, and willing service, if she embrace Christ, and desire to live in peace with her neighbours. By such letters as you have last received, your honour somewhat understandeth of Mr. Knox himself, and also of others, what is determined, he himself to abide the uttermost, and other never to leave him until God have taken his life, and thus together with what comfort somever it will please you to give him by your letters, that the queen's majesty doth not utterly condemn him, or at the least in that point, that he is so sore charged with by his own queen, that her majesty will not allow her doing. I doubt not but it will be a great comfort unto him, and will content many others: his daily prayer is for the maintenance of unity with England, and that God will never suffer men to be so ungrate, as by any persuasion to run headlong unto the destruction of them that have saved their lives, and restored their country to liberty. I leave farther, at this time, to trouble your honour, desiring God to send such an amity between these two realms that God may be glorified to them of this world.—At Edenburgh the 9th of August, 1561.

N°. VI. Vol. I. p. 215.

A LETTER[g] OF QUEEN ELIZABETH TO QUEEN MARY[h].

To the right excellent, right high, and mighty princesse, our right dear and well-beloved sister and cousin the queen of Scotland.

Right excellent, right high, and mighty princesse, our right dear and right well-beloved sister and cousin, we greet you well. The lord of St. Cosme brought to us your letters, dated the eighth of this present at Abbeville, whereby ye signify, that although by the answer brought to you by monsieur Doyzell, ye might have had occasion to have entered into some doubt of our amity, yet after certain purposes passed betwixt you and our ambassador, you would assure us of your good meaning to live with us in amity, and for your purpose therein ye require us to give credit

[g] August 16, 1561. Paper Office, from a copy.

[h] This is the complete paper of which that industrious and impartial collector, bishop Keith, has published a fragment, from what he calls his shattered manuscript, 154. note (a) 181.

to the said St. Cosme. We have thereunto thought good to answer as followeth: The same St. Cosme hath made like declaration unto us on your part, for your excuse in not ratifying the treaty, as yourself made to our ambassador, and we have briefly answered to every the same points, as he can show you: and if he shall not so do, yet least in the mean season you might be induced to think that your reasons had satisfied us, somerally we assure you, that to our requests your answer cannot be reputed for a satisfaction. For we require no benefit of you, but that you will perform your promise whereunto you are bound by your seal and your hand, for the refusal whereof we see no reason alledged can serve. Neither covet we any thing, but that which is in your own power as queen of Scotland, that which yourself in words and speech doth confess, that which your late husband's our good brother's ambassadors and you concluded, that which your own nobility and people were made privy unto, that which indeed made peace and quietness betwixt us, yea that without which no perfect amity can continue betwixt us, as, if it be indifferently weighed, we doubt not but ye will perceive, allow, and accomplish. Nevertheless, perceiving, by the report of the bringer, that you mean furthwith upon your coming home, to follow herein the advice of your council in Scotland, we are content to suspend our conceipt of all unkindness, and do assure you that we be fully resolved, upon this being performed, to unite a sure band of amity, and to live in neighbourhood with you as quietly, friendly, yea as assuredly in the knot of friendship, as we be in the knot of nature and blood. And herein we be so earnestly determined, that the world should see if the contrary should follow (which God forbid) the very occasion to be in you and not in us; as the story witnesseth the like of the king your father, our uncle, with whom our father sought to have knitt a perpetual bond by inviting to come in this realm to York, of which matter we know there remain with us, and we think with you, sundry witnesses of our father's earnest good meaning, and of the error whereunto divers evil councillors induced your father; or finally where it seemeth that report hath been made unto you, that we had sent our admiral to the seas with our navy to empeache your passage, both your servants do well understand how false that is, knowing for a truth that we have not any more than two or three small barks upon the seas, to apprehend certain pirates, being thereto entreated, and almost compelled, by the earnest complaint of the ambassador of our good brother the king of Spain, made of certaine Scottishmen haunting our seas as pirates, under pretence of letters of marque, of which matter also we earnestly require you, at your coming to your realme, to have some good consideration, and the rather for respect that ought to be betwixt your realme and the countries of us, of France, of Spain, and of the house of Burgundy. And so, right excellent, right high, and mighty princess, we recommend us to you with most earnest request, not to neglect these our friendly and sisterly offers of friendship, which, before God, we mean and intend to accomplish. Given

under our signet at Henyngham the 16th of August, in the third year of our reign.

N°. VII. Vol. I. Page 240.

A LETTER[1] OF RANDOLPH TO THE RIGHT HONOURABLE SIR WILLIAM CECIL, KNIGHT, PRINCIPAL SECRETARY TO THE QUEEN'S MAJESTY.

Of late, until the arrival of monsieur le Croc, I had nothing worth the writing unto your honour. Before his coming we had so little to hint upon that we did nothing but pass our time in feasts, banquetting, masking, and running at the ring, and such like. He brought with him such a number of letters, and such abundance of news, that, for the space of three days, we gave ourselves to nothing else but to reading of writings, and hearing of tales, many so truly reported, that they might be compared to any that ever Luciane did write 'de veris narrationibus.' Among all his tidings, for the most assured, I send this unto your honour as an undoubted truth, which is, that the cardinal of Lorraine, at his being with the emperor, moved a marriage between his youngest son, the duke of Astruche, and this queen; wherein he hath so far travailed, that it hath already come unto this point, that if she find it good, the said duke will out of hand send hither his ambassador, and farther proceed to the consummation hereof, with as convenient speed as may be; and to the intent her mind may be the better known, le Croc is sent unto her with this message from the cardinal, who hath promised unto the emperor, to have word again before the end of May; and for this cause le Croc is ready for his departure, and his letters writing both day and night. This queen being before advertised of his towardness, by many means hath sought far off, to know my lord of Murray's mind herein, but would never so plainly deal with him, that he could learn what her meaning is, or how she is bent. She useth no man's council but only this man's that last arrived, and assuredly until the l. of Lidington's return, she will do what she can to keep that secret; and because resolution in his absence cannot be taken, she will, for this time, return le Croc with request, to have longer time to devise; and after, with the most speed she can, she fully purposeth to advertise him, I mean, her uncle the cardinal, of her mind. Of this matter the l. of Lidington is made privy. I know not whether by some intelligence that he had before his departure, or since his arrival in France, divers letters have passed between her grace and him, whereof as much as it imported not greatly the knowledge of, was communicated to some, as much as was written in cypher is kept unto themselves. Whether also the l. of Lidington hath had conference with the Spanish ambassador in England of this matter or any like, I leave it unto your honour's good means to get true know-

[1] May 15, 1563. Paper Office, from the original.

ledge thereof. Guesses or surmizes in so grave matters, I would be loth to write for verities. This also your honour may take for truth, that the emperor hath offered with his son, for this queen's dower, the county of Tyroll, which is said to be worth 30,000 franks by year. Of this matter also the rhingrave wrote a letter unto this queen, out of France not long since. This is all that presently I can write unto your honour hereof; as I can come by farther knowledge, your honour shall be informed.

I have received your honour's writings by the Scottish man that last came into these parts; he brought also letters unto this queen from the l. of Lidington; their date was old, and contained only the news of France. I perceive divers ways, that Newhaven is sorre closed, but I am not so ignorant of their nature, but that I know they will say as much as they dare do, I will not say as the proverb doth 'canis timidus fortius latrat.' From hence I do assure them, what means somever they make, or how pitiful somever their mone be, they are like to receive but small comfort for all their long allie. We stand daily in doubt what friendship we shall need ourself, except we put better order into our misruled papists than yet we do, or know how to bring to pass that we may be void of their comber.

To-morrow, the 15th of this instant, the queen departeth of this town, towards Edenburgh. If my hap be good, you shall thoroughly hear some merry tidings of the bp. of St. Andrews; upon Wednesday next he shall be arraigned, and five other priests, for their massing at Easter last: Thus most humbly I take my leave; at St. Andrews the 15th of May, 1563.

N°. VIII. Vol. I. Page 247.

LETTER[k] OF RANDOLPH TO THE RIGHT HONOURABLE SIR WILLIAM CECIL, KNIGHT, PRINCIPAL SECRETARY TO THE QUEEN'S MAJESTY.

May it please your honour, the 7th of this instant, Rowlet, this queen's secretary, arrived here; he reporteth very honestly of his good usage, he brought with him many letters unto the queen that came out of France, full of lamentation and sorrow. She received from the queen-mother two letters; the one contained only the rehearsal of her griefs, the other signify the state of France as then it was, as in what sort things were accorded, and what farther was intended for the appeasing of the discords there, not mistrusting but that if reason could not be had at the queen of England's hands, but that the realm of France should find her ready and willing to support and defend the right thereof, as by friendship and old alliance between the two realms she is bound.

How well these words do agree with her doings your honour can well consider, and by her writings in this sort unto this

[k] April 10, 1563. Paper Office, from the original in his own hand.

queen, (which I assure your honour is true,) you may assuredly know, that nothing shall be left undone of her part, that may move debate or controversie between this queen and our sovereign.

It was much mused by the queen herself, how this new kindness came about, that at this time she received two long letters written all with her own hand, saying, all the time since her return she never received half so many lines as were in one of the letters, which I can myself testify by the queen's own saying, and other good assurance, where hitherto I have not been deceived. I can also farther assure your honour, that this queen hath sayed that she knoweth now, that the friendship of the queen's majesty my sovereign may stand her more in stead, than that of her good mother in France, and as she is desirous of them both, so will she not lose the one for the other. I may also farther assure your honour, that whatsomever the occasion is, this queen hath somewhat in her heart that will burst out in time, which will manifest that some unkindness hath passed between them, that will not be easy forgotten. In talk sometimes with myself, she saith that the queen-mother might have used the matter otherwise than she hath done, and doth much doubt what shall be the success of her great desire to govern alone, in all things to have her will. Seeing then that presently they stand in such terms one with the other, I tho't it better to confirm her in that mind, (this queen I mean,) than to speak any word that might cause her to conceive better of the other. And yet I am assured she shall receive as friendly letters, and as many good words from this queen, as the other did write unto her. Whether the queen-mother will speak any thing unto the l. of Lidington of that purpose she did write unto this queen of, I know not; but if she do, I think it hard if your honour can get no favour thereof, at his return, or I perchance by some means here. It may perchance be written only by that queen, to try what answer this queen will give, or understand what mind she beareth unto the queen's majesty our sovereign. The queen knoweth now that the earl Bothwell is sent for to London. She caused a gentleman of hers to inquire the cause; I answered that I knew none other, but that his takers were in controversy who took him, and that it should be judged there. I know that she thinketh much that he is not sent into Scotland. It is yet greatly doubted that if he were here, he would be reserved for an evil instrument. If the lord of Lidington have not been plain with your honour herein, he is in the wrong to those who are his friends here, but most of all to himself. There comes a vulture in this realm, if ever that man come again into credit.

N°. IX. Vol. I. Page 254.

THE ORATION MADE BY WILLIAM MAITLAND OF LETHINGTON, YOUNGER SECRETARY FOR THE TIME, IN THE PARLIAMENT HOLDEN BY OUR SOVEREIGN THE KING'S MOTHER, QUEEN OF THIS REALM FOR THE TIME, THE TIME OF THE RESTITUTION OF UMQUILE MATTHEW EARL OF LENOX.

My lords, and others here convened. Albeit, be that it has pleased her majesty most graciously to utter unto you, by her own mouth, ye may have sufficiently conceived the cause of this your present assembly; yet having her majesty's commandment to supply my lord chancellor's place, being presently as ye see deceased, I am willed to express the same somewhat more at large.

Notour it is, how, in her highness's minority, a process of forfaltour was decreed against my lord of Lennox, for certain offences alledged committed by him; specified in the dome and censement of parliament given thereupon; by reason whereof he has this long time been exiled, and absent forth of his native country; how grievous the same has been unto him, it has well appeared by divers his suites, sundry ways brought unto her majesty's knowledge, not only containing most humble and due submission, but always bearing witness of his good devotion to her majesty, his natural princess, and earnest affection he had to her highness most humble service, if it should please her majesty of her clemency to make him able to enjoy the benefit of a subject; many respects might have moved her highness favourably to incline to his request, as the anciency of his house, and the sirname he bears, the honour he has to appertain to her majesty by affinity, by reason of my lady Margaret her highness's aunt, and divers other his good considerations, as also the affectuous request of her good sister the queen's majesty of England, whose earnest commendation was not of least moment, besides that of her own natural, her majesty has a certain inclination to pity the decay of noble houses, and as we heard, by her own report, has a great deal more pleasure to be the instrument of the uphold, maintenance, and advancement of the ancient blood, than to have matter ministered of the decay or overthrow of any good race. Upon this occasion, her majesty the more tenderly looked upon his request, and her good sister the queen of England's favourable letter, written for recommendation of his cause, in consideration whereof not only has she granted unto him her letter of restitution, by way of grace, but also licensed him to pursue, by way of reduction, the remedies provided by the law for such as think themselves grieved by any judgment, unorderly led, and to have the process reversed; for examination whereof, it has pleased her majesty presently to assemble you the three estates of this her realme, by whose advice, deliberation, and decision at her majes-

ty's mind, to proceed forward upon his complaints, as the merits of the cause, laws of the realme, and practice observed in such cases, will bear out. The sum of all your proceedings at this time, being, by that we have heard, thus as it were pointed out, I might here end, if the matter we have in hand gave me not occasion to say a few more words, not far different from the same subject, wherein I would extend the circumstances more largely, if I feared not to offend her highness, whose presence and modest nature abhors long speaking and adulation, and so will compel me to speak such things, as may seem to tend to any good and perfect point; and lest it should be compted to me, as that I were oblivious, if I should omit to put you in remembrance, in what part we may accept this, and the like demonstrations of her gentill nature; whose gracious behaviour towards all her subjects, in general, may serve for a good proof of that felicity we may look for under her happy government so long as it shall please God to grant her unto us; for a good harmony to be had in the common weill, the offices between the prince and the subjects must be reciproque, as by her majesty's prudence we enjoy this present peace with all foreign nations, and quietness among yourselves, in such sort, that I think justly it may be affirmed Scotland, in no man's age, that presently lives, was in greater tranquillity; so is it the duty of all us her loving subjects to acknowledge the same as a most high benefit, proceeding from the good government of her majesty, declaring ourselves thankful for the same, and rendering to her majesty such due obedience, as a just prince may look for at the hands of faithful and obedient subjects. I mean no forced nor unwilling obedience, which I know her nature does detest, but such as proceeds from the contemplation of her modest kind of regiment, will for love and duty sake produce the fruits thereof. A good proof have we all in general had of her majesty's benignity these three years, that she has lived in the government over you, and many of you have largely tasted of her large liberality and frank dealing: on the other part her highness has had large appearance of your dutiful obedience, so it becomes you to continue, as we have begun, in consideration of the many notable examples of her clemency above others her good qualities, and to abhor and detest all false bruites and rumours, which are the most pestilent evils that can be, in any common weill, and the sowers and inventors thereof. Then may we be well assured to have of her an most gracious princesse, and she most faithful and loving subjects; and so both the head and the members, being encouraged to maintain the harmony and accord of the politic bodies, whereof I made mention before, as the glory thereof shall partly appertain to her majesty, so shall no small praise and unspeakable commodity redound therethrough to you all universally her subjects.

No. X. Vol. I. Page 263.

THE PERILS AND TROUBLES THAT MAY PRESENTLY ENSUE, AND IN TIME TO COME FOLLOW, TO THE QUEEN'S MAJESTY OF ENGLAND, AND STATE OF THIS REALM, UPON THE MARRIAGE OF THE QUEEN OF SCOTTS TO THE LORD DARLEY.

First, the minds of such as be affected to the queen of Scotts, either for herself, or for the opinion of her pretence to this crown, or for the desire to have change of the forme of religion in this realm, or for the discontentation they have of the queen's majesty, or her succession, or of the succession of any other beside the queen of Scotts, shall be, by this marriage erected, comforted, and induced to devise and labour how to bring their desires to pass; and to make some estimate what persons those are, to the intent the quantity of the danger may be weighed; the same may be compassed in those sorts either within the realm or without.

The first are such as are specially devoted to the queen of Scotts, or to the lord Darley, by bond of blood and alliance; as first, all the house of Lorrain and Guise for her part, and the earl of Lennox and his wife, all such in Scotland as be of their blood, and have received displeasures by the duke of Chatelherault and the Hamiltons. The second are all manner of persons, both in this realm and other countries, that are devoted to the authority of Rome, and mislike of the religion now received; and in these two sorts are the substance of them comprehended, that shall take comfort in this marriage.

Next, therefore, to be considered what perils and troubles these kind of men shall intend to this realm.

First, the general scope and mark of all their desires is, and always shall be, to bring the queen of Scotts to have the royal crown of this realm; and therefore, though the devisers may vary among themselves for the compassing hereof, according to the accidents of the times, and according to the impediments which they shall find by means of the queen's majesty's actions and governments, yet all their purposes, drifts, devises, and practices, shall wholly and only tend to make the queen of Scotts queen of this realm, and to deprive our sovereign lady thereof; and in their proceedings, there are two manners to be considered, whereof the one is far worse than the other; the one is intended by them, that either from malicious blindness in religion, or for natural affection to the queen of Scotts, or the lord Darley, do persuade themselves that the said queen of Scotts hath presently more right to the crown than our sovereign lady the queen, of which sort be all their kindred on both sides, and all such as are devoted to popery, either in England, Scotland, Ireland, or elsewhere; the other is meant by them, which, with less malice, are persuaded that the queen of Scotts hath only right to be the next heir to succeed the queen's majesty and her issue, of which sort few are without the realm, but here

within, and yet of them, not so many as are of the contrary, and from these two sorts shall the peril, devises, and practices proceed. From the first, which imagine the queen of Scotts to have perpetually right, are to be looked for these perils. First, is it to be doubted the devil will infect some of them to imagine the hurt of the life of our dear sovereign lady, by such means as the devil shall suggest to them, although it is to be assuredly hoped, that Almighty God will, as he has hitherto, graciously protect and preserve her from such dangers? Secondly, there will be attempted, by persuasions, by bruites, by rumours, and such like, to alienate the minds of good subjects from the queen's majesty, and to conciliate them to the queen of Scotts, and on this behalf the frontiers and the north will be much solicited and laboured. Thirdly, there will be attempted causes of some tumults and rebellions, especially in the north toward Scotland, so as thereupon may follow some open enterprise set by violence. Fourthly, there will be, by the said queen's council and friends, a new league made with France, or Spain, that shall be offensive to this realm, and a furtherance to their title. And as it is also very likely, that they will set a foot as many practices as they can, both upon the frontiers and in Ireland, to occasion the queen's majesty to increase and continue her charge thereby, to retain her from being mighty or potent, and for the attempting of all these things, many devises will be imagined from time to time, and no negligence will therein appear.

From the second sort, which mean no other favour to the queen of Scotts, but that she should succeed in title to the queen's majesty, is not much to be feared, but that they will content themselves to see not only the queen's majesty not to marry, and so to impeach it, but to hope, that the queen of Scotts shall have issue, which they will think to be more pleasable to all men, because thereby the crowns of England and Scotland shall be united in one, and thereby the occasion of war shall cease; with which persuasion many people may be seduced, and abused to incline themselves to the part of the queen of Scotts. The remedies against these perils.

A DUPLICAT.

A SUMMARY[1] OF THE CONSULTATION AND ADVICE GIVEN BY THE LORDS AND OTHERS OF THE PRIVY COUNCIL. COLLECTED OUT OF THE SUNDRY AND SEVERAL SPEECHES OF THE SAID COUNSELLORS.

Lord Keeper,
Lord Treasurer,
Earls of { Derby, Bedford, Leicester,
Lord Admiral,
Lord Chamberlain,
Mr. Comptroller,
Mr. Vice Chamberlain,
Mr. Secretary,
Cave,
Peter,
Mason.

[1] June the 4th, 1565. Cott. Lib. Cal. b. 10. fol. 290.

QUESTIONS PROPOUNDED WERE THESE TWO.

1. First, what perils might ensue to the queen's majesty, or this realm, of the marriage betwixt the queen of Scotts and the lord Darnley.

2. What were meet to be done, to avoid or remedy the same.

TO THE FIRST.

The perils being sundry, and very many, were reduced by some counsellors into only one.

1. First, That by this marriage, the queen of Scotts, (being not married,) a great number in this realm not of the worst subjects might be alienated in their minds from their natural duties to her majesty, to depend upon the success of this marriage of Scotland, as a mean to establish the succession of both the crowns in the issue of the same marriage, and so favour all devises and practices, that should tend to the advancement of the queen of Scotts.

2. Secondly, That considering the chief foundation of them, which furthered the marriage of lord Darnley, was laid upon the trust of such as were papists, as the only means left to restore the religion of Rome, it was plainly to be seen, that both in this realm and Scotland, the papists would most favour, maintain, and fortify this marriage of the lord Darnley, and would, for furtherance of faction in religion, devise all means and practices that could be within this realm, to disturb the estate of the queen's majesty, and the peace of the realm, and consequently to atchieve their purposes by force rather than fail. By some other, these perils having indeed many branches, were reduced, though somewhat otherwise, into two sorts, and these were in nature such as they could not be easily severed the one from the other, but were knit and lincked together, naturally for maintaining the one with the other. The first of these sort of perils was, that, by this marriage with the lord Darnley, there was a plain intention to further the pretended title of the queen of Scotts not only to succeed the queen's majesty, as in her best amity she had professed, but that to occupy the queen's estate, as when she was in power, she did manifestly declare.

The second was, that hereby the Romish religion should be erected, and increased daily in this realm, and these two were thus knit together, that the furtherance and maintenance of the title staid, in furthering of the religion of Rome within this realm; and in like manner the furtherance of the same religion stood by the title, for otherwise the title had no foundation.

Proofs of the first.) And to prove that the intention to advance the title to disturb the queen's majesty, must needs ensue, was considered that always the intention and will of any person is most manifest, when their power is greatest, and contrary when power is small, than the intention and will of every person is covered and less seen. So as when the queen of Scotts power was greatest, by her marriage with the dauphin of France, being afterwards French king, it manifestly appeared of what mind she

and all her friends were, using then manifestly all the means that could be devised to impeach and dispossess the queen's majesty, first by writing and publishing herself in all countries queen of England; by granting charters, patents, and commissions, with that style, and with the arms of England, both the French and Scotts, which charters remain still undefaced; and to prosecute it with effect, it is known what preparations of war were made, and sent into Scotland; and what other forces were assembled in foreign countries; yea, in what manner a shameful peace was made by the French with king Philip to employ all the forces of France to pursue all the matters by force, which by God's providence, and the queen's majesty contrary power, were repelled; and afterwards, by her husband's death, her fortune and power being changed, the intention began to hide itself; and although by the Scottish queen's commissaries an accord was made at Edinbrough, to reform all those titles, and claims, and pretences, yet to this day, by delays and cavillations, the ratification of that treaty has been deferred. And so now, as soon as she shall feel her power, she will set the same again abroad, and by considering of such errors as were committed in the first, her friends and allies will amend the same, and proceed substantially to her purpose. By some it was thought plainly, that the peril was greater of this marriage with the lord Darnley, being a subject of this realm, than with the mightiest prince abroad, for by this, he being of this realm, and having for the cause of religion, and other respects, made a party here, should encrease by force with diminution of the power of the realm; in that whatsoever power he could make by the faction of the papist, and other discontented persons here, should be as it were deducted out of the power of this realm; and by the marriage of a stranger, she could not be assured of any part here; so as by this marriage she should have a portion of her own power to serve her turn, and a small portion of adversaries at home in our own bowels, always seem more dangerous than treble the like abroad, whereof the examples are in our own stories many, that foreign powers never prevailed in this realm, but with the help of some at home. It was also remembered, that seeing how before this attempt of marriage, it is found, and manifestly seen, that in every corner of the realm, the faction that most favoureth the Scottish title, is grown stout and bold, yea seen manifestly in this court, both in hall and chamber, it could not be but (except good heed were speedily given to it) by this marriage, and by the practice of the fautors thereof, the same faction would shortly increase, and grow so great and dangerous, as the redress thereof would be almost desperate. And to this purpose it was remembered, how of late in perusing of the substance of the justices of the peace, in all the countries of the realm, scantly a third was found fully assured to be trusted in the matter of religion, upon which only string the queen of Scotts title doth hang, and some doubt might be, that the friends of the earl of Lennox, and his had more knowledge hereof than was thought, and thereby made avant

now in Scotland, and their party was so great in England as the queen's majesty durst not attempt to contrary his marriage. And in this sort was the sum of the perils declared, being notwithstanding more largely and plainly set out, and made so apparent by many sure arguments, as no one of the council could deny them to be but many and very dangerous.

SECOND QUESTION.

The question of this consultation was what were meet to be done to avoid these perils, or else to divert the force thereof from hurting the realm; wherein there were a great number of particular devises propounded, and yet the more part of them was reduced by some into three heads.

1. The first thought necessary by all persons, as the only thing of the most moment and efficacy, to remedy all these perils, and many others, and such as without it, no other remedy could be found sufficient, and that was to obtain that the queen's majesty would marry, and make therein no long delay.

2. The second was, to advance, establish, and fortify indeed the profession of religion, both in Scotland and in England, and to diminish, weaken, and feeble the contrary.

3. The third was, to proceed in sundry things, either to disappoint and break this intended marriage, or, at the least, thereby to procure the same not to be so hurtful to this realm as otherwise it will be.

The first of these three hath no particular rights in it, but an earnest and unfeigned desire and suite, with all humbleness, by prayer to Almighty God, and advice and council to the queen's majesty, that she would defer no more time from marriage, whereby the good subjects of the realm might stay their hearts, to depend upon her majesty, and the issue of her body, without which no surety can be devised to ascertain any person of continuance of their families or posterities, to enjoy that which otherwise should come to them.

Second, concerning the matters of religion, wherein both truth and policy were joined together, had these particulars.

First, whereas of late the adversaries of religion, in the realm, have taken occasion to comfort and increase their faction, both in England, Scotland, and abroad, with a rumour and expectation that the religion shall be shortly changed in this realm, by means that the bishops, by the queen's majesty's commandment, have of late dealt streightly with some persons of good religion, because they had forborne to wear certain apparel, and such like things; being more of form and accidents, than of any substance, for that it is well known that her majesty had no meaning to comfort the adversaries, but only to maintain an uniformity as well in things external, as in the substance, nor yet hath any intention to make any change of the religion, as it is established by laws. It was thought by all men very necessary, for the suppressing of the pride and arrogancy of the adversaries, indirectly hereby to notify, by her special letters to the two arch-

bishops, that her former commandment was only to retain an uniformity, and not to give any occasion to any person to misjudge of her majesty, in the change of any part of religion, but that she did determine firmly to maintain the form of her religion, as it was established, and to punish such as did therein violate her laws. And in these points, some also wished that it might please her archbishops, that if they should see that the adversaries continued in taking occasion to fortify their faction, that in that case they should use a moderation therein, until the next parliament, at which time, some good, uniform, and decent order might be devised, and established, for such ceremonies, so as both uniformity and gravity might be retained amongst the clergy.

The second means was, that the quondam bishops, and others, which had refused to acknowledge the queen's majesty's power over them, according to the law, and were of late dispersed in the plague time to sundry places abroad, where it is known they cease not to advance their faction, might be returned to the Tower, or some other prison, where they might not have such liberty to seduce and inveigle the queen's majesty's subjects, as they daily do.

The third means was, that where the bishops do complain that they dare not execute the ecclesiastical laws, to the furtherance of religion, for fear of the premunire wherewith the judges and lawyers of the realm, being not best affected in religion, do threaten them, and in many cases lett not to pinch and deface them, that upon such cases opened, some convenient authority might be given them, from the queen's majesty, to continue during her pleasure.

The fourth was, that there were daily lewd, injudicious, and unlawful books in English brought from beyond seas, and are boldly received, read, and kept, and especially in the north, seducing of great numbers of good subjects, the like boldness whereof was never suffered in any other princess's time, that some streight order might be given to avoid the same, and that it might be considered by the judges, what manner of crime the same is, to maintain such books, made directly against her majesty's authority, and maintaining a foreign power, contrary to the laws of the realm.

The fifth was, that where a great number of monks, fryars, and such lewd persons, are fled out of Scotland, and do serve in England, especially in the north, as curates of churches, and all such of them as are not found honest and conformable, may be banished out of the realm, for that it appeareth they do sow sedition in the realm, in many places, and now will increase their doings.

The sixth, where sundry having ecclesiastical livings, are on the other side the sea, and from thence maintain sedition in the realm; that livings may be better bestowed to the commodity of the realm, upon good subjects.

The seventh is, that the judges of the realm, having no small authority in this realm, in governance of all property of the realm,

might be sworn to the queen's majesty, according to the laws of the realm, and so thereby they should for conscience sake maintain the queen's majesty's authority.

THE PARTICULARS OF THE THIRD INTENTION TO BREAK AND AVOID THIS MARRIAGE, OR TO DIVERT THE PERILS.

First to break this marriage, considering nothing can likely do it, but force, or fear of force, it is thought by some that these means following might occasion the breach of the marriage.

1. That the earl of Bedford repair to his charge.
2. That the works at Berwick be more advanced.
3. That the garrison be there increased.
4. That all the wardens put their frontiers in order with speed, to be ready at an hour's warning.
5. That some noble person, as the duke of Norfolk, or the earl of Salop, or such other, be sent into Yorkshire, to be lieutenant-general in the north.
6. That preparations be made of a power, to be in readiness to serve, either at Berwick, or to invade Scotland.
7. That presently lady Lennox be committed to some place, where she may be kept from giving or receiving of intelligence.
8. That the earl of Lennox and his son may be sent for, and required to be sent home by the queen of Scotts, according to the treaty; and if they shall not come, then to denounce to the queen of Scotts the breach of the treaty, and thereupon to enter with hostility; by which proceeding, hope is conceived (so the same be done in deeds and not in shews) that the marriage will be avoided, or at the least that it may be qualified from many perils; and whatsoever is to be done herein, is to be executed with speed, whilst she has a party in Scotland that favoureth not the marriage, and before any league made by the queen of Scotts with France or Spain.
9. Some other allows well of all these proceedings, saving of proceeding to hostility, but all do agree in the rest, and also to these particularities following.
10. That the earl's lands upon his refusal, or his son's refusing, should be seized, and bestowed in gift or custody, as shall please her majesty, upon good subjects.
11. That all manifest favourers of the earl, in the north, or elsewhere, be inquired for, and that they be, by sundry means, well looked to.
12. That enquiry be made in the north, who have the stewardship of the queen's majesty's lands there, and that no person, deserving mistrust, be suffered to have governance or rule of any of her subjects or lands in the north, but only to retain their fees, and more trusty persons have rule of the same people's lands.
13. That all frequent passages into this realm, to and from Scotland, be restrained to all Scottish men, saving such as have safe-conduct, or be especially recommended from Mr. Randolph, as favourers of the realm.

14. That some intelligence be used with such in Scotland, as favour not the marriage, and they comforted from time to time.

15. That the queen's majesty's household, chamber, and pensioners, be better seen unto, to avoid broad and uncomely speech used by sundry against the state of the realm.

16. That the younger son of the earl of Lennox, Mr. Charles, be removed to some place where he may be forthcoming.

17. That considering the faction and title of the queen of Scotts, hath now of long time received great favour, and continued, by the queen's majesty's favour herein to the queen of Scotts and her ministers, and the lady Catharine, whom the said queen of Scotts accompted as a competitor unto her in pretence of title, it may please the queen's majesty, by some exterior act, to shew some remission of her displeasure to the lady, and to the earl of Hartford, that the queen of Scotts thereby may find some change, and her friends put in doubt of further proceeding therein.

18. That whosoever shall be lieutenant in the north, sir Ralph Sadler may accompany him.

19. That with speed the realm of Ireland may be committed to a new governor.

20. Finally, that these advices being considered by her majesty, it may please her to choose which of them she liketh, and to put them in execution in deeds, and not to pass them over in consultations and speeches.

For it is to be assured, that her adversaries will use all means to put their intention in execution. Some by practice, some by force, when time shall serve, and no time can serve so well the queen's majesty to interrupt the perils as now at the first, before the queen of Scotts purposes be fully settled.

N°. XI. Vol. I. Page 271.

RANDOLPH[m] TO THE EARL OF LEICESTER, FROM EDINBURGH, THE 31ST OF JULY, 1565.

May it please your lordship, I have received your lordship's letter by my servant, sufficient testimony of your lordship's favour towards me, whereof I think myself always so assured, that, what other mishap soever befal me, I have enough to comfort myself with; though I have not at this time received neither according to the need I stand, nor the necessity of the service that I am employed in, I will rather pass it, as I may with patience, than trouble your lordship to be further suiter for me, when there is so little hope that any good will be done for me. I doubt not but your lordship hath heard by such information as I have given from hence, what the present state of this country is, how this queen is now become a married wife, and her husband, the self-same day of his marriage, made a king. In their desires, hitherto, they have found so much to their contentment, that if the rest

[m] Cott. Lib. Cal. b. ix. fol. 216. An original.

succeed and prosper accordingly, they may think themselves much happier, than there is appearance that they shall be; so many discontented minds, so much misliking of the subjects to have these matters thus ordered, and in this sort to be brought to pass, I never heard of any marriage; so little hope, so little comfort as men do talk was never seen, at any time, when men should most have shewed themselves to rejoice, if that consideration of her own honour and well of her country had been had as appertained in so weighty a case. This is now their fear, the overthrow of religion, the breach of amitie with the queen's majesty, and the destruction of as many of the nobility as she hath misliking of, or that he liketh to pitch a quarrel unto. To see all these inconveniencys approaching, there are a good number that may sooner lament with themselves and complain to their neighbours, than be able to find remedie to help them; some attempt with all the force they have, but are too weak to do any good; what is required otherways, or what means there is made, your lordship knoweth; what will be answered, or what will be done, therein, we are in great doubt; and though your intent be never so good unto us, yet do we so much fear your delay, that our ruin shall prevent your support when council is once taken. Nothing so needful, as speedy execution. Upon the queen's majesty we wholly depend, in her majesty's hands it standeth to save our lives, or to suffer us to perish; greater honour her majesty cannot have, than in that which lieth in her majesty's power to do for us, the sums are not great, the numbers of men are not many that we desire; many will dayly be found, tho' this will be some charge; men grow dayly, though, at this time, I think her majesty shall lose but few; her friends here being once taken away, where will her majesty find the like? I speak least of that which I think is most earnestly intended by this queen, and her husband, when by him it was lately said, that he cared more for the papists in England, than he did for the protestants in Scotland; if therefore his hopes be so great in the papists of England, what may your lordship believe that he thinketh of the protestants there? for his birth, for his nurritour, for the honour he hath to be of kine to the queen my mistress, if in preferring those that are the queen's majesties worst subjects to those that are her best, he declareth what mind he beareth to the queen's majestie's self, any man may say it is slenderly rewarded, and his duty evil forgotten; he would now seem to be indifferent to both the religions, she to use her mass, and he to come sometimes to the preaching; they were married with all the solemnities of the popish time, saving that he heard not the mass; his speech and talk argueth his mind, and yet would he fain seem to the world that he were of some religion; his words to all men, against whom he conceiveth any displeasure how unjust soever it be, so proud and spitfull, that rather he seemeth a monarch of the world, than he that, not long since, we have seen and known the lord Darnley; he looketh now for reverence of many that have little will to give it him; and some there are that

do give it, that think him little worth of it. All honour that may be attributed unto any man by a wife, he hath it wholly and fully; all praises that may be spoken of him he lacketh not from herself: all dignities that she can endue him with, which are already given and granted; no man pleaseth her that contenteth not him; and what may I say more, she hath given over to him her whole will, to be ruled and guided as himself best liketh; she can as much prevail with him, in any thing that is against his will, as your lordship may with me to persuade that I should hang myself; this last dignity out of hand to have been proclaimed king, she would have it deferred untill it were agreed by parliament, or he had been himself twenty-one years of age, that things done in his name might have the better authority. He would, in no case, have it deferred one day, and either then or never; whereupon this doubt has risen amongst our men of law, whether she being clad with a husband, and her husband not twenty-one years, any thing without parliament can be of strength, that is done between them; upon Saturday at afternoon these matters were long in debating. And before they were well resolved upon, at nine hours at night, by three heralds, at sound of the trumpet he was proclaimed king. This was the night before the marriage; this day, Monday at twelve of the clock, the lords, all that were in the toun, were present at the proclaiming of him again, where no man said so much as Amen, saving his father, that cried out aloud God save his queen! The manner of the marriage was in this sort: upon Sunday in the morning between five and six, she was conveyed by divers of her nobles to the chapell; she had upon her back the great mourning gown of black, with the great wide mourning hood, not unlike unto that which she wore the doulfull day of the burial of her husband; she was led into the chapell, by the earl of Lennox and Athol, and there was she left untill her husband came, who also was conveyed by the same lords, the minister priests, two, do there receive them, the bands are asked the third time, and an instrument taken by a notour that no man said against them, or alledged any cause why the marriage might not proceed. The words were spoken, the rings which were three, the middle a rich diamond, were put upon her finger; they kneel together, and many prayers said over them, she tarrieth out the mass, and he taketh a kiss, and leaveth her there, and went to her chamber, whither within a space she followeth; and being required, according to the solemnity, to cast off her cares and leave aside those sorrowful garments, and give herself to a more pleasant life, after some pretty refusall, more I believe for manner sake than grief of heart, she suffered them that stood by, every man that could approach, to take out a pin, and so being committed to her ladies, changed her garments but went not to bed, to signify to the world that it was not lust that moved them to marry, but only the necessity of her country, not, if God will, long to leave it destitute of an heir. Suspicious men, or such as are given of all things to make the worst, would that it should be believed, that they knew each other before that they

came there; I would not your lordship should so believe it, the likelihoods are so great to the contrary, that if it were possible to see such an act done I would not believe it. After the marriage followeth commonly great cheer and dancing: to their dinner they were conveyed by the whole nobility; the trumpets sound; a largess cried; mony thrown about the house in great abundance, to such as were happy to get any part; they dine both at one table, she upon the upper hand; there serve her these earls, Athole sewer, Morton carver, Craufoord cup-bearer; these serve him in like offices, earls Eglington, Cassels, and Glencairn; after dinner they danced awhile, and then retired themselves till the hour of supper; and as they dined so do they sup, some dancing there was, and so they go to bed; of all this I have written to your lordship I am not oculatus testis, to this, but of the verity your lordship shall not need to doubt, howsoever I came by it; I was sent for to have been at the supper, but like a currish or uncourtly carle I refused to be there; and yet that which your lordship may think might move me much, to have had the sight of my mistress, of whom these eighteen days by just account I got not a sight, I am my lord taken by all that sort as a very evil person, which in my heart I do well allow, and like of myself the better, for yet can I not find either honest or good that liketh their doings. I leave at this time further to trouble your lordship, craving pardon for my long silence. I have more ado than I am able to discharge, I walk now more abroad by night than by day, and the day too little to discharge myself of that which I conceive, or receive in the night. As your lordship, I am sure, is partaker of such letters as I write to Mr. Secretary, so that I trust that he shall be to this, to save me of a little labour, to write the same again, most humbly I take my leave at Edinburgh, the last day of July, 1565.

N°. XII. Vol. I. Page 275.

LETTER OF THE EARL OF BEDFORD TO THE HONOURABLE SIR WILLIAM CECIL, KNT. HER MAJESTY'S PRINCIPAL SECRETARY, AND ONE OF HER HIGHNESS'S PRIVY COUNCIL. [n]

After my hearty commendations, this day at noon captain Brickwell came hither, who brought with him the queen's majesty's letters containing her full resolution and pleasure for all things he had in charge to give information of, saving that for the aid of the lords of the congregation there is nothing determined, or at the least expressed in the same letters, and for that purpose received I this morning a letter subscribed by the duke, the earl of Murray, Glencarne, and others, craving to be holpen with 300 harquebusyers out of his garrison, for their better defence. And albeit, I know right well the goodness of their cause, and the queen's majesty our sovereign's good will, and care towards them;

[n] Sept. the 2nd, 1565. Paper office, from the original.

and do also understand that it were very requisite to have them holpen, for that now their cause is to be in this manner decided, and that it now standeth upon their utter overthrow and undoing, since the queen's party is at the least 5000, and they not much above 1000; besides that the queen hath harquebusyers, and they have none, and do yet want the power that the earl of Arguyle should bring to them, who is not yet joined with theirs: I have thereupon thought good to pray you to be a means to learn her majesty's pleasure in this behalf, what, and how, I shall answer them, or otherwise deal in this matter, now at this their extreme necessity. For, on the one side, lyeth thereupon their utter ruin and overthrow, and the miserable subversion of religion there; and, on the other side, to adventure so great and weighty a matter as this is, (albeit it be but of a few soldiers, for a small time,) without good warraunte, and thereby to bring, peradventure, upon our heads some wilful warrs, and in the mean time to leave the place unfurnished, (having in the whole but 800,) without any grant of new supply for the same; and, by that means also, to leave the marches here the more subject to invasion, while in the mean season new helps are preparing; to this know not I what to say or how to do. And so much more I marvel thereof, as that having so many times written touching this matter, no resolute determination cometh. And so between the writing and looking for answer, the occasion cannot pass, but must needs proceed and have success. God turn it to his glory; but surely all men's reason hath great cause to fear it. Such a push it is now come unto, as this little supply would do much good to advance God's honour, to continue her majesty's great and careful memory of them, and to preserve a great many noblemen and gentlemen. If it be not now helpen it is gone for ever. Your good will and affection that way I do nothing mistrust, and herein shall take such good advice as by any means I can. I received from these lords two papers inclosed, the effect whereof shall appear unto you. For those matters that captain Brickwell brought, I shall answer you by my next, and herewith send you two letters from Mr. Randolph, both received this day. By him you shall hear that the protestants are retired from Edenborough, further off. So I hope your resolution for their aid shall come in time, if it come with speed, for that they will not now so presently need them; and so with my hearty thanks commit you to God. From Berwick, this 2nd of Sept. 1565.

N°. XIII. Vol. I. Page 275.

THE QUEEN TO THE EARL OF BEDFORD [o].

Upon the advertizements lately received from you, with such other things as came also from the lord Scrope and Thomas Randolph, and upon the whole matter well considered, we have thus deter-

[o] Sept. the 12th, 1565. Paper office.

mined. We will with all the speed that we can, send to you 3000l. to be thus used. If you shall certainly understand that the earl of Murray hath such want of money, as the impresting to him of 1000l. might stand him in stead for the help to defend himself, you shall presently let him secretly to understand, that you will, as of yourself, let him have so much, and so we will that you let him have, in the most secret sort that you can, when the said sum shall come to you, or if you can, by any good means, advance him some part thereof beforehand.

The other 2000l. you shall cause to be kept whole, unspent, if it be not that you shall see necessary cause to imprest some part thereof to the now numbers of the 600 footmen and 100 horsemen; or to the casting out of wages of such workmen, as by sickness or otherwise, ought to be discharged. And where we perceive, by your sundry letters, the earnest request of the said earl of Murray and his associates, that they might have, at the least, 300 of our soldiers to aid them. And that you also write, that tho' we would not command you to give them aid, yet if we would but wink at your doing herein, and seem to blame you for attempting such things, as you with the help of others should bring about, you doubt not but things would do well; you shall understand for a truth, that we have no intention, for many respects, to maintain any other prince's subjects, to take arms against their sovereign; neither would we willingly do any thing to give occasion to make wars betwixt us and that prince, which has caused us to forbear, hitherto, to give you any power to let them be aided with any men. But now, considering we take it, that they are pursued, notwithstanding their humble submission and offer to be ordered and tried by law and justice, which being refused to them, they are retired to Dumfrese, a place near our west marches, as it seemeth there to defend themselves, and adding thereunto the good intention that presently the French king pretendeth, by sending one of his to join with some one of ours, and jointly to treat with that queen, and to induce her to forbear this manner of violent and rigorous proceeding against her subjects, for which purpose the French ambassador here with us has lately written to that queen, whereof answer is daily looked for; to the intent in the mean time the said lords should not be oppressed and ruined for lack of some help to defend them, we are content and do authorize, if you shall see it necessary for their defence, to let them (as of your own adventure, and without notifying that you have any direction therein from us) to have the number of 300 soldiers, to be taken, either in whole bands, or to be drawn out of all your bands, as you shall see cause. And to cover the matter the better, you shall send these numbers to Carlisle, as to be laid there in garrison, to defend that march, now in this time that such powers are on the other part drawing to those frontiers, and so from thence as you shall see cause to direct of, the same numbers, or any of them, may most covertly repair to the said lords, when you shall expressly advertize, that you send them that aid only for their defence, and not therewith to make war against the queen, or to do any thing that may of-

fend her person; wherein you shall so precisely deal with them, that they may perceive your care to be such as if it should otherwise appear, your danger should be so great, as all the friends you have could not be able to save you towards us. And so we assure you our conscience moveth us to charge you so to proceed with them; for otherwise than to preserve them from ruin, we do not yield to give them aid of money or men: And yet we would not that either of these were known to be our act, but rather to be covered with your own desire and attempt.

N°. XIV. Vol. I. Page 283.

RANDOLPH TO CECIL, FROM EDINBURGH, 7TH FEB. 1565-6°.

My humble duty considered; what to write of the present state of the country I am so uncertain, by reason of the daily alterations of men's minds, that it maketh me much slower than otherwise I would. Within these few days there was some good hope, that this queen would have shewed some favour towards the lords, and that Robert Melvin should have returned unto them with comfort upon some conditions. Since that time, there are come out of France Clernau by land, and Thorneton by sea; the one from the cardinal, the other from the bishop of Glasgow. Since whose arrival neither can there be good word gotten, nor appearance of any good intended them, except that they be able to perswade the queen's majesty, our sovereign, to make her heir apparent to the croun of England. I write of this nothing less than I know that she hath spoken. And by all means that she thinketh the best doth travaile to bring it to pass. There is a band lately devised, in which the late pope, the emperor, the king of Spain, the duke of Savoy, with divers princes of Italy, and the queen-mother suspected to be of the same confederacy to maintain papistry throughout christiandom; this band was sent out of France by Thorneton, and is subscribed by this queen, the copy thereof remaining with her, and the principal to be returned very shortlie, as I hear, by Mr. Stephen Willson, a fit minister for such a devilish devise; if the coppie hereof may be gotten, that shall be sent as I conveniently may. Monsieur Rambollet came to this toun upon Monday, he spoke that night to the queen and her husband, but not long; the next day he held long conferences with them both, but nothing came to the knowledge of any whereof they intreated. I cannot speak with any that hath any hope that there will be any good done for the lords by him, though it is said that he hath very good will to do so to the uttermost of his power. He is lodged near to the court, and liveth upon the queen's charges. Upon Sunday the order is given, whereat means made to many to be present that day at the mass. Upon Candlemas-day there carried their candles, with the queen, her husband, the earle of Lennox, and earle Athol; divers other

° An original.

lords have been called together and required to be at the mass that day, some have promised, as Cassels, Montgomerie, Seton, Cathness. Others have refused, as Fleming, Levingston, Lindsay, Huntly, and Bothel; and of them all Bothel is the stoutest, but worst thought of; it was moved in council that mass should have been in St. Giles church, which I believe was rather to tempt men's minds, than intended indeed; she was of late minded again to send Robert Melvin to negotiate with such as she trusteth in amongst the queen's majesty's subjects, of whose good willis this way I trust that the bruit is greater than the truth, but in these matters her majesty is too wise not in time to be ware, and provide for the worst; some in that country are thought to be privie unto the bands and confederacie of which I have written, whereof I am sure there is some things, tho' perchance of all I have not heard the truth; in this court divers quarles, contentions, and debates, nothing so much sought as to maintain mischief and disorder. David yet retaineth still his place, not without heart-grief to many, that see their sovereign guided chiefly by such a fellow; the queen hath utterly refused to do any good to my lord of Argyll, and it is said that shall be the first voyage that she will make after she is delivered of being with child; the bruit is common that she is, but hardly believed of many, and of this I can assure you, that there have of late appeared some tokens to the contrary.

N°. XV. Vol. I. Page 288.

PART OF A LETTER FROM THE EARL OF BEDFORD AND MR. THO. RANDOLPH TO THE LORDS OF THE COUNCIL OF ENGLAND FROM BARWICK, 27TH OF MARCH, 1566[p].

May it please your honours, March 27, 1566.

Hering of so maynie matters as we do, and fyndinge such varietie in the reports, we have myche ado to decerne the veritie; which maketh us the slower and loother to put any thing in wrytinge to the entente we wold not that your honours, and by you the queen's majestie, our sovereigne, should not be advertised but of the very trothe as we can possible. To this end we thought good to send up captain Carewe, who was in Edinbourge at the tyme of the last attemptate, who spoke there with diverse, and after that with the queen's self and her husband, conforme to that, which we have learned by others and know by this reporte, we send the same, confirmed by the parties self, that were there present and assysters unto these that were executors of the acte.

This we fynde for certain, that the queen's husband being entered into a vehement suspicion of David, that by hym some thynge was committed, which was most agaynste the queen's honour, and not to be borne of his perte, fyrste communicated his

[p] An original in the Cotton Library, Caligula, b. 10. fol. 372.

mynde to George Duglas, who fynding his sorrowes so great sought all the means he coulde to put some remedie to his grieff; and communicating the same unto my lord Ruthen by the king's commandment, no other waye coulde be found then that David should be taken out of the waye. Wherein he was so earnest and daylye pressed the same, that no reste could be had untyll it was put in execution. To this that was found good, that the lord Morton, and lord Lindsaye should be made privie to th' intente, that theie might have their friends at hande, yf neade required; which caused them to assemble so mayny, as theie thought sufficient against the tyme, that this determination of theirs should be put in executione; which was determined the ixth of this instante 3 daies afore the parliament should begyne, at which time the sayde lordes were assured that the erles Argyle, Morraye, Rothes and their complyces sholde have been forfeited, yf the king could not be persuaded through this means to be their friends; who for the desyre he hade that this intent should take effect th' one waye was contente to yielde, without all difficultie, to t'other, with this condition, that theie should give their consents, that he might have the crowne matrimonial. He was so impatient to see these things he saw, and were daylye brought to his eares, that he daylye pressed the said lord Ruthen, that there might be no longer delaye; and to the intent that myght be manifeste unto the world that he approved the acte, was content to be at the doing of that himself.

Upon Saturdaye at night neire unto viii of the clock the king conveyeth himself, the lord Ruthen, Gorge Duglass, and two others, throwe his owne chamber by the privy stayers up to the queen's chamber, going to which there is a cabinet about xii foot square; in the same a little low reposing bed and a table, at the which theyr were sitting at the supper the queene, the lady Argile, and David with his capp upon his head. Into the cabinet there cometh in the king and lord Ruthen, who willed David to come forth, saying, that was no place for him. The queen said, that it was her will. Her howsband answerede, that y^{t} was against her honour. The lord Ruthen then said, that he should lerne better his dutie, and offering to have taken him by the arm, David took the queen by the blychtes of her gown and put himself behind the queen who wolde gladlee have saved him; but the king having loosed his hand, and holding her in his arms, David was thrust out of the cabinet throwe the bed chamber into the chamber of presens, whar were the lord Morton, lord Lindsey, who intending that night to have reserved him, and the next day to hang him, so many being about him, that bore him evil will, one thrust him into the boddie with a dagger, and after him a great many others, so that he had in his bodie above * * wonds. It is told for certayne, that the kinges own dagger was left sticking in him. Wheather he stuck him or not we cannot be here certayn. He was not slayne in the queen's presens, as was said, but going down the stayres out of the chamber of presens.

There remained a long tyme with the queen her howsband and the lord Ruthen. She made, as we here, great intercession that he shold have no harm. She blamed greatlee her howsband that was the actor of so foul a deed. It is said that he did answer, that David had more company of her boddie than he for the space of two months; and therefore for her honour and his own contentment he gave his consent that he should be taken away. "It is not" (saythe she) "the woman's part to seek the husband," and therefore in that the fault was his own. He said that when he came, she either wold not or made herself sick. "Well," saythe she, "you have taken your last of me and your farewell." Then were pity, sayth the lord Ruthen, he is your majesty's husband and must yield duty to each other. "Why may I not," saythe she, "leave him as well as your wife did her husband?" Other have done the like. The lord Ruthen said that she was lawfully divorced from her husband, and for no such cause as the king found himself greve. Besydes this man was mean, basse, enemie to the nobility, shame to her, and destruction to herself and country. "Well," saith she, "that shall be dear blude to some of you, yf his be spylt." God forbid, sayth the lord Ruthen; for the more your grace showe yourself offended, the world will judge the worse.

Her husband this tyme speaketh litle, herself continually weepeth. The lord Ruthen being ill at ease and weak calleth for a drink, and saythe, "This I must do with your majesties pardon," and persuadeth her in the best sort he could, that she would pacify herself. Nothing that could be said could please her.

In this mean time there rose a nombre in the court; to pacify which there went down the lord Ruthen, who went strayt to the erles Huntly, Bothwell, and Atholl, to quiet them, and to assure them for the king that nothing was intend against them. These notwithstanding taking fear, when theie heard that my lord of Murray would be there the next day, and Argile meet them, Huntly and Bothwell both get out of a window and so depart. Atholl had leave of the king with Flysh and Glandores (who was lately called Deysley the person of Owne) to go where they wold, and bring concorde out of the court by the lord of Lidington. Theie went that night to such places where they thought themselves in most sauftie.

Before the king leaft talk with the queen, in the hering of the lord Ruthen she was contents that he shold lie with her that night. We know not how he * * himself, but came not at her, and excused hymself to his friends, that he was so sleepie, that he could not wake in due season.

There were in this companie two that came in with the king; the one Andrewe Car of Fawdenside, whom the queen sayth would have stroken her with a dagger, and one Patrick Balentine, brother to the justice-clerk, who also, her grace sayth, offered a dag against her belly with the cock down. We have been earnestly in hand with the lord Ruthen to know the varitie;

but he assoureth us of the contraire. There were in the queen's chamber the lord Robert, Arthur Arskin, one or two others. They at the first offering to make a defence, the lord Ruthen drawd his dagger, and 4 mo weapens then, that were not drawn nor seen in her presens, as we are by this lord assured.

[The letter afterwards gives an account of the flight to Dunbar Castle, whither resorted the lords Huntly and Bothwell: That the earl of Morton and lord Ruthven find themselves left by the king for all his fair promises, bonds, and subscriptions. That he had protested before the council, that he was never consenting to the death of David, and that it is sore against his will: "That of the great substance David had there is much spoken, some say in gold to the value of 11^{m}£. His apparel was very good, as it is said, 28 pair of velvet hose. His chamber well furnished, armour, dagger, pystoletts, harquebuses, 22 swords. Of all this nothing spoyld or lacked saving 2 or 3 dagger. He had the custody of all the queen's letters, which all were delivered unlooked upon. We hear of a juill, that he had hanging about his neck of some price, that cannot be heard of. He had upon his back when he was slayn, a night gown of damask furred, with a satten dublet, a hose of russet velvet."]

N°. XVI. Vol. I. Page 297.

PART OF A LETTER FROM RANDOLPH TO CECIL, JAN. 16, 1565-6.

——— I cannot tell what misliking of late there hath been between her grace and her husband, he presseth earnestly for the matrimonial crown, which she is loth hastily to grant, but willing to keep somewhat in store, until she know how well he is worth to enjoy such a sovereiguty; and therefore it is thought that the parliament for a time shall be deferred, but hereof I can write no certainty.

FROM MR. RANDOLPH'S LETTER TO SECRETARY CECIL[q].

The justice-clerk in hard terms, more for his brother's cause than any desert, and as far as I can hear the king of all other in worst, for neither hath the queen good opinion of him for attempting of any thing that was against her will, nor the people that he hath denied so manifest a matter, being proved to be done by his commandment, and now himself to be the accuser and pursuer of them that did as he willed them. This Scott, that was executed, and Murray that was yesterday arreigned, were both accused by him. It is written to me, for certain, by one that upon Monday last spok with the queen, that she is determined that the house of Lennox shall be as poor in Scotland as ever it was. The earl continueth sick, sore troubled

[q] April the 4th, 1566. Paper office. From the original.

in mind: he staith in the abby, his son has been once with him, and he once with the queen, since she came to the castle. The queen hath now seen all the covenants and bands that passed between the king and the lords, and now findeth that his declaration, before her and council, of his innocency of the death of David, was false; and grievously offended that, by their means, he should seek to come to the crown matrimonial.

PART OF A LETTER FROM RANDOLPH TO CECIL, FROM BERWICK, 25TH APRIL, 1566.

——— There is continually very much speech of the discord between the queen and her husband, so far that, that is commonly said and believed of himself, that Mr. James Thornton is gone to Rome to sue for a divorce between them. It is very certain that Malevasier had not spoken with him within these three days. He is neither accompany'd nor looked upon of any nobleman: attended upon by certain of his own servants, and six or seven of the guard; at liberty to do, and go where and what he will, they have no hope yet among themselves of quietness.

——— David's brother, named Joseph, who came this way with Malevasier, unknown to any man here, is become secretary in his brother's place.

N°. XVII. Vol. I. Page 301.

THE EARL OF BEDFORD TO CECIL, 3RD AUGUST, 1566.

The queen and her husband agree after the old manner, or rather worse. She eateth but very seldom with him, lieth not, nor keepeth company with him, nor loveth any such as love him. He is so far out of her books, as at her going out of the castle of Edinburgh, to remove abroad, he knew nothing thereof. It cannot for modesty, nor with the honour of a queen, be reported what she said of him. One Hickman, an English merchant there, having a water spaniel, which was very good, gave him to Mr. James Melvil, who afterwards, for the pleasure which he saw the king have in such kind of dogs, gave him to the king. The queen thereupon fell marvously out with Melvil, and called him dissembler and flatterer, and said she could not trust one, who would give any thing to such a one as she loved not.

THE EARL OF BEDFORD TO CECIL, AUG. 8.

The disagreement between the queen and her husband continueth, or rather increaseth. Robert Melvill drawing homewards, within twelve miles of Edinburgh, could not tell where to find the queen; sith which time she is come to Edinburgh, and had not twelve horses attending on her. There was not then, nor that I can hear of since, any lord, baron, or other

nobleman in her company. The king her husband is gone to Dumfermling, and passeth his time as well as he may; having at his farewell such countenance as would make a husband heavy at the heart.

SIR JOHN FORSTER TO CECIL, 8TH SEPT. FROM BERWICK.

The queen hath her husband in small estimation, and the earl of Lennox came not in the queen's sight since the death of Davy.

SIR JOHN FORSTER TO CECIL, 11TH DEC.

The earl of Bothwell is appointed to receive the ambassadors, and all things for the christening are at his lordship's appointment, and the same is scarcely well liked of the nobility, as is said. The king and queen is presently at Craigmillar, but in little greater familiarity than he was all the while past.

ADVERTISEMENTS OUT OF SCOTLAND FROM THE EARL OF BEDFORD[r].

That the king and queen agreed well together two days after her coming from ———, and after my lord of Murray's coming to Edinburgh, some new discord has happened. The queen hath declared to my lord of Murray that the king bears him evil will, and has said to her that he is determined to kill him, finding fault that she doth bear him so much company: and in like manner hath willed my lord of Murray to spiere it at the king, which he did a few nights since in the queen's presence, and in the hearing of divers. The king confessed, that reports were made to him, that my lord of Murray was not his friend, which made him speak that thing he repented; and the queen affirmed, that the king had spoken such words unto her, and confessed before the whole house, that she could not be content that either he or any other should be unfriend to my lord of Murray. My lord of Murray enquired the same stoutly, and used his speech very modestly, in the mean time the king departed very grieved; he cannot bear that the queen should use familiarity either with man or woman, and especially the ladies of Arguile, Murray, and Marre, who keep most company with her. My lord of Murray and Bothwell have been at evil words for the l. of Ledington, before the queen, for he and sir James Balfoure had now come from Ledington, with his answer upon such heads or articles as Bothwell and he should agree upon, which being reported to the said earl in the queen's presence, made answer, that ere he parted with such lands as was desired, he should part with his life. My lord of Murray said stoutly to him, that twenty as honest men as he should lose their lives ere he reafte Ledington. The queen spake nothing, but heard both; in these terms

[r] August, 1566. Paper office. From the original.

they parted, and since, that I hear of, have not met. The queen after her hunting came to Edinburgh, and carryeth the prince thence to Stirling with her. This last Saturday was executed a servant of the lord Ruthven's, who confessed that he was in the cabinet, but not of council of the fact. The queen hath also opened to my lord of Murray, that money was sent from the pope, how much it was, and by whom, and for what purpose it was brought.

N°. XVIII. Vol. I. Page 313.

PART OF A LETTER FROM ELIZABETH TO MARY, FEB. 20, 1569. A COPY INTERLINED BY CECIL. IT CONTAINS AN ANSWER TO A COMPLAINING LETTER OF MARY'S UPON THE IMPRISONING OF THE BISHOP OF ROSS.

——— After this [i. e. Mary's landing in Scotland] how patiently did I bear with many vain delays in not ratifying the treaty accorded by your own commissioners, whereby I received no small unkindness, besides the manifold causes of suspicion that I might not hereafter trust to any writings. Then followed a hard manner of dealing with me, to intice my subject and near kinsman, the lord Darnly, under colour of private suits for land, to come into the realm, to proceed in treaty of marriage with him without my knowledge, yea to conclude the same without my assent or liking. And how many unkind parts accompany'd that fact, by receiving of my subjects that were base runnagates and offenders at home, and enhansing them to places of credit against my will, with many such like, I will leave, for that the remembrance of the same cannot but be noysome to you. And yet all these did I as it were suppress and overcome with my natural inclination of love towards you; and did afterwards gladly, as you know, christen your son, the child of my said kinsman, that had before so unloyally offended me, both in marriage of you, and in other undutiful usages towards me his sovereign. How friendly also dealt I by messages to reconcile him, being your husband, to you, when others nourished discord betwixt you, who as it seemed had more power to work their purposes, being evil to you both, than I had to do you good, in respect of the evil I had received. Well I will overpass your hard accidents that followed for lack of following my council. And then in your most extremity, when you was a prisoner indeed and in danger of your life from your notorious evil willers, how far from my mind was the remembrance of any former unkindness you had shewed me. Nay, how void was I of respect to the designs which the world had seen attempted by you to my crown, and the security that might have ensued to my state by your death, when I finding your calamity to be great, that you were at the pit's brink to have miserably lost your life, did not only intreat for your life, but so threatened some as were irritated against you, that I only may say it, even I was the principal cause to save your life.

N°. XIX. Vol. I. Page 328.

LETTER OF Q. ELIZABETH TO Q. OF SCOTS. THUS MARKED ON THE BACK WITH CECIL'S HAND.—COPIA LITERARUM REGIÆ MAJESTATIS AD REGINAM SCOTORUM VIII° APRILIS[s].

Madame, vous ayant trop molesté par M. de Crocq, je n'eusse eu si peu de consideration de vous fascher de cette lettre, si les liens de charité vers les ruinez, et les prieres des miserables ne m'y contraignissent. Je entens que un edit a esté divulgué de par vous, madame, que ung chascun, que veult justifier que ons esté les meurtriers de votre feu mari, et mon feu cousin, viennent a le faire le XIIIme de ce mois. La quelle chose, comme c'est plus honorable et necessaire, qui en tel cas se pourra faire, ne y estant caché quelque mistere ou finesse, ainsi le pere et amis du mort gentelhomme m'ont humblement requis, que je vous priasse de prolongue le jour, pource qu'ilz cognoissent que les iniques se sont combinés par force de faire ce que par droict ils ne pourront pas faire; partant, je ne puis mais sinon pour l'amour de vous meme, a qui il touche le plus, et pour la consolation des innocens, de vous exhorter de leur conceder cette requeste, laquelle, si elle les seroit niée, vous tourneroit grandement en soupçon, de plus que j'espere ne pensez, et que ne voudriez volontiers ouyr. Pour l'amour de Dieu, madame, usez de telle sincerité & prudence en ce cas qui vous touche de si pres, que tout le monde aye raison, de vous livrer comme innocente d'ung crime si enorme, chose que si ne fistes, seriez dignement esbloyë hors de rancz de princesses, & non sans cause faite opprobre de vulgaire, et plutot que cela vous avienne, je vous souhaiterois une sepulture honorable, qu'une vie maculée; vous voiez madame, que je vous traite comme ma fille, et vous promets, que si j'en eusse, ne luy souhaiterois mieulx, que je vous desire, comme le seigneur Dieu me porte tesmoignage, a qui je prie de bon cœur de vous inspirer a faire ce qui vous sera plus a honneur, et a vos amis plus de consolation, avec mes tres cordialles recommendations comme a icelle a qui se souhaite le plus de bien, qui vous pourra en ce monde avenir. De West. ce 8 jour de Janvier[t] en haste.

N°. XX. Vol. I. Page 339.

ACCOUNT OF THE SENTENCE OF DIVORCE BETWEEN THE EARL OF BOTHWELL AND LADY JEAN GORDON HIS WIFE. FROM A MANUSCRIPT BELONGING TO MR. DAVID FALCONER, ADVOCATE. Fol. 455.

Upoun the 29 of Apryle 1567, before the richt hon. Mr. Robert Maitland dean of Aberdene, Mr. Edward Henryson doctor in the laws, two of the senators of the college of justice, Mr. Clement Lit-

[s] Paper office.
[t] A mistake in the date corrected with Cecil's hand VIII° Aprilis.

tle, and Mr. Alexander Syme advocattis, commissers of Edin^{r}; compeered Mr. Henry Kinrosse, procurator for Jean Gourdoune countess of Bothwell, constitute be her for pursewing of ane proces of divorcement intendit by her contra James erle Bothwell her husband for adultry committed be him with Bessie Crawfurde the pursuer's servant for the time; and sicklyke, for the said erle, compeared Mr. Edmond Hay, who, efter he had pursued and craved the pursuer's procurator's oath de calumnia, if he had just caus to pursew the said action, and obtained it, denyed the libell, and the said Mr. Harrie took the morne, the last day of Apryle, to prove the same pro prima. The quhilk day, having produced some witnesses, he took the next day, being the 1 of May, to do farther diligence. Upon the quhilk 1 of May, he produced some moe witnesses, and renounced farther probatioune. After quhilk, he desired a term to be assigned to pronounce sentence. To whom the said commissars assigned Satterday next, the 3 of May, to pronounce sentence therein, secundum alegata et probata, quhilk accordingly was given that day in favour of the pursewar.

At the same time there was another proces intendit be the erl of Bothwell contra his lady, for to have their marriage declared nul, as being contracted against the canons, without a dispensation, and he and his lady being within degrees defendand, viz. ferdis a kin, and that wyse for expeding of this proces, there was a commissioune grantit to the archbishop of St. Androis to cognosce and determine it, and Ro^{t} bishop of Dunkeld, William bishop of Dunblane, Mr. Andro Craufurd chanon in Glasgow and parson of Egelshame, Mr. Alexander Creichtoun, and Mr. George Cooke chancellor of Dunkeld, and to Mr. Johne Manderstoune chanon in Dunbar and prebendar of Beltoune, or any ane of them. This commissione is datit 27th Aprile 1567, was presented to two of the saids commissioners, viz. Mr. And^{r}. Crawfurd and Mr. John Manderstoune on Satterday 3 May, by Mr. Thomas Hepburne parson of Auldhamstocks, procurator for the erle of Bothwell, who accepted the delegatioune, and gave out their citation by precept, directed Decano Christianitatis de Hadintone, nec non vicario seu curato eccle. parochiæ de Creichtoune, seu cuicunq; alteri capellano debiti requisitis, fer summoning, at the said erle's instance, both of the lady personally if she could be had, or otherways at the parosche kerk of Creichtoune the time of service, or at her dwelling place before witnesses, primo, secundo, tertio et peremptorie, unico tamen contextu protuplice edicto. And likeways to be witnesses in the said matter, Alex. bishop of Galloway, who did marry the said erle and his lady in Halerud-hous kirk, in Feb. 1565, sir John Bannatyne of Auchnole justice clerk, Mr. Robert Creichtoun of Elliok the queen's advocate, Mr. David Chalmers provost of Creichtoun and chancellor of Ross, Michael — abbot of Melross, and to compear before the said judges or any one of them in St. Geil's kirk in Ed^{r} on Monday the 5 of May, be thamselves, or their procurators. Upon the said 5 day, Mr. John Manderstoun, one of the judge's delegat only being present, compeared the same procurators for both the parties that were in

the former process, Mr. Edmund Hay (articulatlie[u]) and some of the witnesses summoned produced, and received for proving the same. The said procurator renounced farder probatioune, and the judge assigned the morne, the 6th of May, ad publicandum producta, nempe depositiones ipsorum testium. The quhilk day, post publicatas, depositiones prædictas, Mr. Hen. Kinrosse, procurator for the lady, instanter objecit objectiones juris generaliter, contra producta, insuper renunciavit ulteriori defensioni; proinde conclusa de consensu procuratorum hinc inde causa, judex prædictus statuit crastinum diem pro termino, ad pronunciandam suam sententiam definitivam, ex dednctis coram eo, in præsenti causa et processu. Conform hereunto, on Wednesday the 7th of May, the said judge gave out his sentence in favour of the erle, declaring the marriage to be, and to have been null from the beginning, in respect of their contingence in blood, which hindered their lawful marriage without a dispensation obtained of befoir.

N°. XXI. Vol. I. Page 347.

A LETTER FROM ENGLAND CONCERNING THE MURDER OF KING HENRY DARNLEY[x].

Having the commodity of this bearer Mr. Clark, I tho't good to write a few words unto you. I have rec[d] some writs from you, and some I have seen lately sent others from you, as namely to the earl of Bedford of the 16th of May. I have participat the contents thereof to such as I thought meet, this mekle I can assure you; the intelligence given hithere by the French was untrue, for there was not one papist nor protestant which did not consent that justice should be done, be the queen my sov[ns] aid and support, against such as had committed that abominable ill murder in your country; but to say truth, the lack and coldness did not rise from such as were called to council, but from such as should give life and execution thereunto. And further, I assure you, I never knew no matter of estate proponed which had so many favourers of all sorts of nations as this had: yea, I can say unto you, no man promoted the matter with greater affection, than the Spanish ambassador. And sure I am that no man dare openly be of any other mind, but to affirm that whosoever is guilty of this murder handfasted with advoutre, is unworthy to live. I shall not need to tell you, which be our letts, and stayes from all good things here. You are acquainted with them as well as I. Needs I must confess, that howsoever we omit occasions of benefit, honour, and surety; it behoveth your whole nobility, and namely such as before and after the murder were deemed to allow of Bodwell, to prosecute with sword and justice the punishment of those abominable acts, though we lend you but a cold aid, and

[u] Two words in the parenthesis illegible.
[x] E. of Morton's archives. Bundle B. No. 25.

albeit you, and divers others, both honourable and honest, be well known to me, and sundry others here, to be justifiable in all their actions and doings; yet think not the contrary but your whole nation is blemished and infamit by these doings which lately passed among you. What we shall do I know not, neither do I write unto you assuredly, for we be subject unto many mutations, and yet I think we shall either aid you, or continue in the defence and safeguard of your prince, so as it appear to us that you mean his safeguard indeed, and not to run the fortune of France, which will be your own destruction if you be unadvised. I know not one, no not one of any quality or estate in this country, which does allow of the queen your sovereign, but would gladly the world were rid of her, so as the same were done without farther slander, that is to say by ordinary justice. This I send the 23d of May.

N°. XXII. Vol. I. Page 350.

PART OF A LETTER FROM SIR NICOLAS THROKMORTON TO CECIL, 11TH OF JULY 1567, FROM BERWICK[y].

——Sir, your letter of the 6th of July, I received the 10th at Berwick. I am sorry to see that the queen's majesty's disposition altereth not towards the lords, for when all is done, it is they which must stand her more in stead, than the queen her cousin, and will be better instruments to work some benefite and quietness to her majesty and her realm, than the queen of Scotland which is void of good fame.

A LETTER FROM SIR NICOLAS THROKMORTON TO CECIL, FROM FASTCASTLE, 12TH OF JULY 1567[z].

Sir, as yow might perceive by my letter of the 11th July, I lodged at Fastcastle that night accompanyed with the lord Hume, the lord of Ledington, and James Melvin, where I was entreated very well according to the state of the place, which is fitter to lodge prisoners than folks at liberty, as it is very little, so it is very strong. By the conference I have had with the lord of Ledington I find the lords his associates and he hath left nothing unthought of which may be either to thir danger or work them surety, wherein they do not forget what good and harme France may do them, and likewise they consider the same of England; but as farr as I can perceive, to be plain with yow, they find more perril to grow unto them through the queen's majesty's dealing than either they do by the French, or by any contrary faction amongest themselves, for they assure themselves the queen will

[y] An original. Paper office. [z] Paper office.

leave them in the bryers if they run her fortoun, and though they do acknowledge great benefit, as well to them, as to the realm of England by her majesty's doings at Leith, whereof they say mutually her majesty and both the realms have received great fruit: yet upon other accidents which have chanced since, they have observed such things in her majesty's doings as have ended to the danger of such as she hath dealt withal, to the overthrow of your own designments, and little to the surety of any party: and upon these considerations and discourses at length, methinketh I find a disposition in them, that either they mind to make their bargain with France, or else to deal neither with France nor yow, but to do what they shall think meet for their state and surety, and to use their remedy as occasion shall move them; meaning neither to irritate France nor England, untill such time as they have made their bargain assuredly with one of yow; for they think it convenient to proceed with yow both for awhile pari passu, for that was my lord of Ledington's terms. I do perceave they take the matter very unkindly, that no better answer is made to the letter, which the lords did send to her majesty, and likewise that they hear nothing from yow to their satisfaction. I have answered as well as I can, and have alledged their own proceedings so obscurly with the queen and their uncertainty hath occasioned this that is yet happened, and therefore her majesty hath sent me to the end I may inform her throughly of the state of the matters, and upon the declaration of their minds and intents to such purposes as shall be by me proposed on her majesty's behalf unto them, they shall be reasonably and resolutely answered. At these things the lord of Ledington smiled and shook his head, and said it were better for us yow would let us alone, than neither to do us nor yourselves good, as I fear me in the end that will prove: S^r^ if their be any truth in Ledington, le Crocq is gone to procure Ramboilet his coming hither or a man of like quality, and to deliver them of their queen for ever, who shall lead her life in France in a abbay reclused, the prince at the French devotion, the realm governed by a council of their election of the Scottish nation, the forts committed to the custody of such as shall be chosen, amongst themselves, as yet I find no great likelihood that I shall have access to the queen, it is objected they may not so displease the French king, unless they were sure to find the queen of England a good friend; and when they once by my access to the queen have offended the French, then they say yow will make your profit thereof to their undoing; and as to the queen's liberty, which was the first head that I proposed, they said that thereby they did perceive that the queen wants their undoing, for as for the rest of the matters it was but folly to talk of them, the liberty going before; but said they, if you will do us no good, do us no harm, and we will provide for ourselves. In the end they said, we should refuse our own commodity, before they concluded with any other, which I should hear of at my coming to Edin^r^; by my next I hope to send yow the band concluded by Hamiltons, Ar-

gyll, Huntly, and that faction, not so much to the prejudice of the lords of Edin^r, as that which was sent into France; thus having no more leisure, but compelled to leap on horseback with the lords to go to Edin^r, I humbly take my leave of from Fastcastle the 12th of July 1567.

TO SIR NICOLAS THROKMORTON BEING IN SCOTLAND. BY THE QUEEN, THE 14TH JULY 1567[a].

Trusty and well-beloved we greet you well, though we think that the causes will often change upon variety of accidents, yet we think for sundry respects, not amiss, that as yow shall deal with the lords having charge of the young prince for the committing of him into our realm, so shall yow also do well, in treaty with the queen, to offer her that where her realm appeareth to be subject to sundry troubles from time to time, and thereby (as it is manifest) her son cannot be free, if she shall be contented that her son may enjoy suerty and quietness, within this our realm, being so near as she knows it is; we shall not faill to yield her as good suerty therein for her child, as can be devised for any that might be our child born of our own body, and shall be glad to show to her therein the trew effect of nature; and herein she may be by yow remembred how much good may ensue to her son to be nourished and acquainted with our country: and therefore, all things considered, this occasion for her child, were rather to be sought by her and the friends of him, than offered by us; and to this end, we mean that yow shall so deal with her, both to stay her indeed from inclining to the French practice, which is to us notorious, to convey her and the prince into France, and also to avoid any just offence, that she might hereafter conceive, if she should hear that we should deal with the lords for the prince.

SIR NICOLAS THROKMORTON TO QUEEN ELIZABETH, 14TH JULY 1567, FROM EDINBURGH[b].

It may please your majesty to be advertised, I did signifie unto Mr. Secretary by my letters of the 11th and 12th of July, the day of mine entry into Scotland, the causes of my stay, my lodging at Fastcastle, a place of the lord Hume's, where I was met by the said lord and by the lord Lidington, and what had passed in conference betwixt us, whilest I was at the said Fastcastle. Since which time, accompanyed with the lords aforesaid, and with 400 horses by their appointment for my better conduct, I came to Edin^r the 12th of this present. The 13th being Sunday appointed for a solemne communion in this town, and also a solemne fast being published, I could not have conference with the lords which be assembled within this town, as I desired, that is to say the earls of Athole, and Morton, the lord Hume, the

[a] Paper office. [b] An original. Paper office.

lord of Lidington, sir James Balfour captain of the castle, Mr. James M'Gill, and the president of the session.

Nevertheless I made means by the lord of Lidington that they would use no protracte of time in mine audience, so did I likewise to the earle of Morton, whom I met by chance; I was answered by them both, that albeit the day were destined to sacred exercises, such as were there of the council would consult upon any moyen touching my access unto them and my conference with them, and said also, that in the afternoon either they would come to me, or I should hear from them. About 4 of the clock in the afternoon, the said 13th day, the lord of Lidington came to my lodgings, and declared unto me on the behalf of the lords and others, that they required me to have patience, though they had defferred my conference with them, which was grounded principally upon the absence of the earles of Mar and Glencairn, the lords Semple, Crighton, and others of the council, saying also that they did consider the matters which I was on your behalf to treate with them of, were of great importance, as they could not satisfy nor conveniently treate with me, nor give me answer without the advice of the lords, and others their associates; the lord of Lidington also said unto me, that where he perceived, by his private conference with me in my journy hitherwards, that I pressed greatly to have speedy access to the queen their sovereign, he perceived by the lords and others which were here, that in that matter there was great difficulty for many respects, but specially because they had refused to the French ambassador the like access, which being granted unto me, might greatly offend the French, a matter which they desired and intended to eschew; for they did not find by your majesty's dealings with them hitherto, that it behoved them to irritate the French king, and to lose his favour and good intelligence with him: I answered, that as to their refusal made unto the French ambassador, monsieur de Ville Roye was dispatched forth of France before these accidents here happened, and his special errand was to impeach the queen's marriage with the earle of Bothel, (for so indeed since my coming hither I learned his commission tended to that end, and to make offer to the queen of another marriage,) and as to monsieur de Crocq, he could have no order forth of France concerning these matters, since they happened; and therefore they might very well hold them suspected to have conference with the queen, least they might treate of matters in this time without instructions, and so rather do harm then good; but your majesty being advertised of all things which had chanced, had sent me hither to treat with them, for the well of the realm, for the conservation of their honours and credit, and for their suerty; and I might boldly say unto him, that your majesty had better deserved than the French had. He said for his own part, he was much bound unto your majesty, and had always found great favour and courtesy in England; but to be plain with you, sir, sayed he, there is not many of this assembly that have found so great obligation at the queen your sovereign's

hands, as at the French king's, for the earles of Morton and Glencairn be the only persons which took benefit by the queen's majesty's aid at Leith, the rest of the noblemen were not in the action; and we think, said he, the queen's majesty your sovereign, by the opinion of her own council, and all the world, took as great benefit by that charge as the realm of Scotland, or any particular person; and not to talk with yow as an ambassador, but with sir Nicholas Throkmorton, my lord Morton, and such as were in pain for the death of Davie, found but cold favour at the queen's majesty's hands, when they were banish'd forth of their own country; but I would all our whole company were as well willing to accomplish the queen your sovereign intents and desires as I am; for mine own part, I am but one, and that of the meanest sort, and they be many noblemen and such as have great interest in the matter, mary yow shall be assured I will imploy myself to imploy my credit, and all that I may do, to satisfie the queen your mistress, as much as lyeth in me, and for your own part you have a great many friends in this assembly, with many other good words. But for conclusion I must take this for an answer to stay uutill the other lords were come, and thereupon I thought meet to advertise your majesty what hath passed, and how far forth I have proceeded; your expectation being great to hear from hence.

And now to advertise your majesty of the state of all things, as I have learned since my coming hither, it may please your majesty to understand as followeth.

The queen of Scotland remaineth in good health in the castle of Lochlevin, guarded by the lord Linsay and Lochlevin the owner of the house; for the lord Ruthven is imployed in another commission, because he began to show great favour to the queen, and to give her intelligence. She is waited on with 5 or 6 ladys, 4 or 5 gentlewomen, and 2 chamberers, whereof one is a French woman. The earle of Buchan, the earle of Murray's brother, hath also liberty to come to her at his pleasure; the lords aforesaid, which have her in guard, doe keep her very straitly, and as far as I can perceive, their rigour proceedeth by their order from these men, because that the queen will not by any means be induced to lend her authority to prosecute the murder, nor will not consent by any perswasion to abandon the lord Bothell for her husband, but avoweth constantly that she will live and die with him; and saith that if it were put to her choice to relinquish her crown and kingdom, or the lord Bothell, she would leave her kingdom and dignity, to go as a simple damsell with him, and that she will never consent that he shall fare worse or have more harm than herself.

And as far as I can perceive, the principall cause of her detention is, for that these lords do see the queen being of so fervent affection towards the earle Bothell as she is, and being put at, as they should be compelled to be in continuall arms, and to have occasion of many battles, he being with manifest evidence notoriously detected to be the principall murderer, and the lords

meaning prosecution of justice against him according to his merits.

The lords mean also a divorce betwixt the queen and him, as a marriage not to be suffered for many respects, which separation cannot take place if the queen be at liberty, and have power in her hands.

They do not also forget their own peril, conjoin'd with the danger of the prince, but as far as I can perceave, they intend not either to touch the queen in surety or in honor, for they do speak of her with respect and reverence, and do affirm, as I do learn, that the conditions aforesaid accomplished, they will both put her to liberty, and restore her to her estate.

These lords have for the guard of their town 450 harqubushers which be in very good order, for the entertainment of which companys, untill all matters be compounded, they did sue unto your majesty, to aid them with such sum of mony as hath been mentioned to Mr. Secretary by the lord of Lidingtons writing, amounting as I perceive to ten or twelve thousand crouns of the . . .

They were latly advertised that the French king doth mind to send hither monsieur de la Chapell dez Ursine, a knight of the French order, and always well affectionate to the house of Guyse, and howsoever La Forest, Villaroy, and Du Crocq have used language in the queen's favour and to these lords' disadvantage there, to your majesty; La Crocq doth carry with him such matter as shall be little to the queen's advantage; so as it is thought the French king, upon his coming to his presence, will rather satisfie the lords, than pleasure the queen; for they have their party so well made, as the French will rather make their profit by them, than any other way.

Herewith I send your majesty the last bond agreed on, and signed by the Hamiltons, the earl of Argyll, Huntly, and sundry others at Dumbarton.

Nevertheless, since my coming to this town, the Hamiltons have sent unto me a gentleman of their surname, named Robert Hamilton, with a letter from the bishop of St. Andrew's, and the abbot of Arbroth, the copy whereof I send your majesty and mine answer unto them, referring to the bearer the declaration of some things as these did by him unto me.

The earle of Argyll hath, in like manner, sent another unto me with a letter and credit, I have used him as I did the others, the coppy of both which letters I send your majesty also. The lord Harrys hath also sent unto me but not written, and I have returned unto him in like sort.

Against the 20th day of this month there is a generall assembly of all the churches, shires, and boroughs towns of this realm, namely of such as be contented to repair to these lords to this town, where it is thought the whole state of this matter will be handeled, and I fear me much to the queen's disadvantage and danger; unless the lord of Lidington and some others which be best affected unto her do provide some remedy; for I perceave the great number, and in manner all, but chiefly the common

people, which have assisted in these doings, do greatly dishonour the queen, and mind seriously either her deprivation, or her destruction; I used the best means I can (considering the furie of the world here) to prorogue this assembly, for that appeareth to me to be the best remedy: I may not speak of dissolution of it, for that may not be abiden, and I should thereby bring my self into great hatred and peril. The chiefest of the lords which be here present at this time dare not show so much lenity to the queen as I think they could be contented, for fear of the rage of the people. The women be most furious and impudent against the queen, and yet the men be mad enough; so as a stranger over busie may soon be made a sacrifice amongest them.

There was a great bruit that the Hamiltons with their adherents would put their force into the fields against the 24th of this month, but I do not find that intent so true as the common bruit goeth.

The earle of Argyll is in the highlands, where there is trouble among his own countrymen.

The earle of Lennox is by these lords much desired here, and I do believe your majesty may so use him, and direct him, as he shall be able to promote your purpose with these men.

The earle of Argyll, the Hamiltons and he be incompatible. —I do find amongst the Hamiltons, Argyll, and the company two strange and sundry humours.

Hamiltons do make show of the liberty of the queen, and prosecute that with great earnestness, because they would have these lords destroy her, rather than she should be recovered from them by violence; another time they seem to desire her liberty and Bothwell's destruction, because they would compass a marriage betwixt the queen and the lord of Arbroth.

The earle of Argyll doth affect her liberty, and Bothwell's destruction, because he would marry the queen to his brother.

And yet neither of them, notwithstanding their open concurance, (as appeareth by their bond,) doth discover their minds to each other, nor mind one end; Knox is not here, but in the west parts, he and the rest of the ministers will be here at the great assembly, whos austerity against the queen I fear as much as any man's.

By some conference which I had with some of this councill, me thinketh that they have intelligence that there is a disposition in the queen of Scotland, to leave this realm and to retire herself either into England or into France, but most willingly into England, for such —— and mislikings as she knoweth hath been, and is meant unto her in France, leaving the regiment either to a number of persons deleagued, and authorized by her, or to some one or more.

And it may please your majesty, I think it not amiss to put yow in remembrance, that in case the said queen come into England by your allowance, without the French king's consent, she shall loose her dowery in France, and have little or nothing from hence to entertain her; and in case she do go into France with

the king's contentment, she may be an instrument (if she can recover favour, as time will help to cancell her disgrace) either by matching with some husband of good quality, or by some other devise, to work new unquietness to her own country, and so consequently to your majesty's.

Therefore it may please your majesty to consider of this matter, and to let me know your pleasure with convenient speed, how I shall answer the same, if it be propounded unto me, either by the queen or by the councill, as a piece of the end and composition. For I am sure, of late, she hath seemed very desirous to have the matter brought to pass that she might go into England, retaining her estate and jurisdiction in herself, though she do not exercise it; and likewise I understand that some of this council which be least affected to her safety do think there is no other way to save her. Thus Almighty God preserve your majesty in health, honour, and all felicity; at Edin[r] the 14th July, 1567.

SIR NICOLAS THROKMORTON TO QUEEN ELIZABETH, THE 18TH OF JULY 1567, FROM EDINBURGH[c].

It may please your majesty, yow might perceave by my letters of the 16th, how far I had proceeded with these lords, and what was their answer; since which time I have spoken particularly with the earle Morton, the lord of Lidington, and sir James Balfour captain of this castle; at whose hands I cannot perceave that as yet access to the queen to Lochleven will be granted me, staying themselves still by the absence of the lords and others their associates, which (they say) they look for within two days; and for that I find, by likelihood and apparent presumptions, that mine access to the queen will hardly be granted, I have thought good not to defer this dispatch untill I have a resolute answer in that matter.

May it therefore please your majesty, to understand Robert Melvin returned from the queen in Lochleven, to this town, the 6th of July, and brought a letter from her written of her own hand to these lords, which doth contain, as I understand, matter as followeth—a request unto them to have consideration of her health, and if they will not put her to liberty, to change the place of restraint to the castle of Stirling, to the end she might have the comfort and company of her son, and if they will not change her from Lochleven, she required to have some other gentle-women about her, naming none.

To have her apothecary, to have some modest minister.—To have an imbroiderer to draw forth such work as she would be occupied about, and to have a varlet of the chamber.—Touching the government of the realm she maketh two offers, which are but generally touched in her letter, the particularitys be not specified, but refered to Robert Melvin's credit, the one is to commit it only and wholly to the earle of Murray, the other is to the

[c] An original. Paper office.

lords whose names ensue, assisted with such others as they shall call unto them, that is to say, the duke of Chattelrault, the earls of Morton, Murray, Marr, and Glencairn.

She hath written unto them that I might have access unto her. —She requireth further, that if they will not treat her and regard her as their queen, yet to use her as the king their sovereign's daughter (whom many of them knew) and as their prince's mother.—She will by no means yield to abandon Bothell for her husband, nor relinquish him; which matter will do her most harm of all, and hardeneth these lords to great severity against her.

She yieldeth in words to the prosecution of the murder.

I have the means to let her know that your majesty hath sent me hither for her relief.

I have also persuaded her to conform herself to renounce Bothell for her husband, and to be contented to suffer a divorce to pass betwixt them; she hath sent me word that she will in no ways consent unto that, but rather die; grounding herself upon this reason, taking herself to be seven weeks gone with child, by renouncing Bothell, she should acknowledge herself to be with child of a bastard, and to have forfeited her honour, which she will not do to die for it; I have perswaded her to save her own life and her child, to choose the least hard condition.

Mr. Knox arrived here in this town the 6th of this month, with whom I have had some conference, and with Mr. Craig also, the other minister of this town.

I have perswaded with them to preach and perswad lenity. I find them both very austere in this conference, what they shall do hereafter I know not, they are furnished with many arguments, some forth of the scripture, some forth of histories, some grounded (as they say) upon the laws of this realm, some upon practices used in this realm, and some upon the conditions and oth made by their prince at her coronation.

The bishop of Galloway, uncle to the earle of Huntley, hath sent hither to these lords, that his nephew the earle and some others of that side may, at Linlithgow or at Stirling, have some communication with some appointed on this side, assuring them that there is a good disposition in the lords of the other party to concurre with these, assuring further that they will not dissent for triffles or unnecessary things, and (as I am given to understand) they can be pleased the queen's restraint be continu'd untill the murder be pursued in all persons, whereby the separation of the queen and Bothell is implyed, the preservation of the prince, the security for all men, and a good order taken for the governance of the realm in tranquillity.

Captain Clerk, which hath so long served in Denmark and served at Newhaven, did the 16th of this month (accompanyed with one of his soldiers, or rather the soldier as the greater fame goeth) kill one Wilson a seaman, and such a one as had great estimation with these lords both for his skill, his hardyness, honesty, and willingness in this action; whereupon Clerk hath

retired himself; their quarrel was about the ship which took Blacketer, which ship was appointed by these lords to go to the north of Scotland to impeach the passage of the earle Bothell, in case he went either to the isles, or to any other place; by the death of this man this enterprize was dashed.

The bishop of Galloway is come to Linlithgow, and doth desire to speak with the lord of Lidington.

The abbot of Killwinning hath sent for sir James Balfour, captain of the castle, to have conference with him.

As I wrote unto your majesty in my last, the Hamiltons now find no matter to disever these lords and them asunder, but would concurr in all things (yea in any extremity against the queen) so as that they might be assured the prince of Scotland were crouned king, and should die without issue, that the earle of Lennox's son living should not inherit the croun of this realm, as next heir to his nephew.

And although the lords and councelors speak reverently, mildly, and charitably of their queen, so as I cannot gather by their speech any intention to cruelty or violence, yet I do find by intelligence, that the queen is in very great peril of her life, by reason that the people assembled at this convention do mind vehemently the destruction of her.

It is a public speech among all the people, and amongst all estates (saving of the counselors) that their queen hath no more liberty nor privilege to commit murder nor adultery, than any other private person, neither by God's laws, nor by the laws of the realm.

The earl of Bothell, and all his adherents and associates, be put to the horn by the ordinary justice of this town, named the lords of the session; and commandment given to all shirriffs, and all other officers, to apprehend him, and all other his followers and receiptors.—The earl of Bothell's porter, and one of his other servitors of his chamber, being apprehended, have confessed such sundry circumstances, as it appeareth evidently, that he the said earl was one of the principal executors of the murder, in his one person, accompanyed with sundry others, of which number I cannot yet certainly learn the names but of three of them, that is to say, two of the Ormistons of Tivotdall, and one Hayborn of Bolton; the lords would be glad that none of the murderers should have any favour or receipt in England, and hereof their desire is, that the officers upon the border may be warned; Bothell doth still remain in the north parts, but the lord Seaton and Fleming, which have been there, have utterly abandoned him, and do repair hitherwards.—The intelligence doth grow daily betwixt these lords, and those which held of; and notwithstanding these lords have sent an hundred and fifty harqubushers to Stirling, to keep the town and passage from surprize; and so have they done in like manner to St. Johnston, which be the two passages from the north and west of this town, I do understand the captain of Dunbar is much busied in fortifying that place,

I do mervile the carriages be not impeached otherwise than they be.

Of late this queen hath written a letter to the captain of the said castle, which hath been surprized: and thereby matter is discovered which maketh little to the queen's advantage.

Thus, having none other matter worthy your majesty's knowledge, I beseech God to prosper your majesty with long life, perfect health, and prosperous felicity. At Edinburgh the 18th of July 1567.

LETTER OF SIR NICOLAS THROKMORTON TO THE RIGHT HONOURABLE THE EARL OF LEICESTER, KNIGHT OF THE ORDER, AND ONE OF THE LORDS OF HER MAJESTY'S MOST HONOURABLE PRIVY COUNCIL [d].

By my former dispatches sent to her majesty, and Mr. Secretary, since the 12th of July, your lordships might have perceived the state of this country, and to what end these matters be like to come: so as not to trouble your lordship with many words; this queen is like very shortly to be deprived of her royal estate, her son to be crowned king, and she detained in prison within this realm, and the same to be governed in the young king's name, by a councel, consisting of certain of the nobility, and other wise men of this realm; so as it is easy to be seen that the power and ability to do any thing to the commodity of the queen's majesty, and the realm of England, will chiefly, and in manner wholly, rest in the hands of these lords, and others their associates, assembled at Edinburgh. Now if the queen's majesty will still persist in her former opinion towards the queen of Scotland, (unto whom she shall be able to do no good,) then I do plainly see that these lords and all their accomplices will become as good French, as the French king can wish, to all intents and purposes. And as for the Hamiltons, the earls of Arguile, Huntlye, and that faction, they be already so far inchanted that way, as there needeth little devise to draw them to the French devotion. Then this is the state of things so come to pass of this country, that France has Scotland now as much conjoined unto them, to all purposes, as ever it was; and what an instrument the young prince will prove, to unquiet England, I report me to your lordships wisdoms; and therefore considering the weight of the matter, and all the circumstances, I trust your lordships will well bethink you in time (for 'tis high time) how to advise her majesty, to leave nothing undone that may bring the prince of Scotland to be in her possession, or, at the least, to be at her devotion. And amongst other things, that I can imagine, for the first degree nothing is more meet to bring this to effect, than to allure this company here assembled, to bear her majesty their favour. Some talk hath passed between the lord of Liddington

[d] The 24th of July 1567. Paper office. From the original.

and me, in certain conferences about this matter. By him I find, that when her majesty shall have won these men to her devotion, the principal point that will make them conformable to deliver their prince into England will rest upon the queen, and the realms enabling him to the succession of the crown of England, for fault of issue of the queen's majesty's body, some other things will also be required, as the charge of the said prince and his train to be at the charge of England. I do well perceive that these men will never be brought to deliver their prince into England without the former condition, for the succession of England; for (saith Liddington) that taking place, the prince shall be as dear to the people of England as to the people of Scotland; and the one will be as careful of his preservation as the other. Otherwise, he saith, all things considered, it will be reported that the Scottishmen have put their prince to be kept in safety, as those which commit the sheep to be kept by the wolves. So as for conclusion, your lordships may perceive here will be the scope of this matter. As unto the delivering of him upon hostages, he sayeth, let no man think, that the condition of the succession not being accomplished, the nobility and the gentry will never consent to leave themselves destitute of their sovereign upon any hostages, neither upon any promises, nor likelihood of good to issue in time to come. It were not good for yourselves (saith he) that the matter were so handled; for then you should adventure all your goods in one ship, which might have a dangerous effect considering the unwillingness of the queen your sovereign to consent to establishing any successor to the crown. And then, how unmete were it, that her majesty having in her possession already all such persons as do pretend to it, or be inheritable to the crown, to have our prince also in her custody. For so there might follow, without good capitulations, a strange and dangerous issue, tho' the queen your mistress do think that such imaginations could not proceed but from busy heads, as you have uttered unto us on her behalf. What is come to pass since my last dispatch, and how far forth things are proceeded, I refer your lordship to be informed by my letters sent unto her majesty, at this time. And so I pray Almighty God, preserve your lordship in much honour and felicity. At Edenburgh this 24th of July, 1567.

It may please your good lordship to make my lord Stuard partner of this letter.

THE QUEEN TO SIR NICOLAS THROKMORTON [e].

BY THE QUEEN.

Trusty and right well-beloved, we greet you well, for as much as we do consider that you have now a long time remained in those parts without expedition in the charge committed unto you, we think it not meet, seeing there hath not followed the

[e] The 6th of August 1567.

good acceptation and fruit of our well meaning towards that state, which good reason would have required, that you should continue there any longer; our pleasure, therefore, is, that you shall, immediately upon the receipt hereof, send your servant Middlemore unto the lords and estates of that realm, that are assembled together, willing him to declare unto them, that it cannot but seem very strange unto us, that you having been sent from us, of such good intent, to deal with them, in matters tending so much to their own quiet, and to the benefit of the whole estate of their country, they have so far forgotten themselves, and so slightly regarded us and our good meaning, not only in delaying to hear you, and deferring your access to the queen their sovereign, but also, which is strangest of all, in not vouchsafing to make any answer unto us. And altho' these dealings be such, indeed, as were not to be looked for at their hands, yet do we find their usage and proceeding towards their sovereign and queen, to overpass all the rest in so strange a degree, as we for our part, and we suppose the whole world besides, cannot but think them, to have therein gone so far beyond the duty of subjects, as must needs remain to their perpetual tauche for ever. And therefore ye shall say, that we have tho't good without consuming any longer time in vain, to revoke you to our presence, requiring them to grant you liscence and pasport so to do, which when you shall have obtained, we will that you make your repair hither, unto us, with as convenient speed as you may. Given, etc.

Indorsed 6th August, 1567.

THROKMORTON TO THE RIGHT HONOURABLE SIR WILLIAM CECIL, KNIGHT, ONE OF HER MAJESTY'S PRIVY COUNCIL AND PRINCIPAL SECRETARY, GIVE THESE [f].

Sir,

What I have learned, since the arrival of my lord of Murray, and mons. de Linnerol, you shall understand by my letter to her majesty, at this time. The French do, in their negotiations, as they do in their drink, put water to their wine. As I am able to see into their doings, they take it not greatly to the heart how the queen sleep, whether she live or die, whether she be at liberty or in prizon. The mark they shoot at, is, to renew their old league; and can be as well contented to take it of this little king, (howsoever his title be,) and the same by the order of these lords, as otherwise. Lyneroll came but yesterday, and me thinketh he will not tarry long; you may guess how the French will seek to displease these lords, when they changed the coming of la chapelle des Oursins for this man, because they doubted that de la chapelle should not be grateful to them, being a papist. Sir, to speak more plainly to you, than I will do otherwise, me thinketh the earl of Murray will run the course that those men do, and be partaker of their fortune. I hear no man speak more bit-

[f] The 12th of Aug. 1567. Paper office. From the original.

terly against the tragedy, and the players therein, than he, so little like he hath to horrible sins. I hear an inkling that Ledington is to go into France, which I do as much mislike, as any thing, for our purpose. I can assure you the whole protestants of France will live and die in these men's quarrels; and, where there is bruit amongst you, that aid should be sent to the adverse party, and that Martigues should come hither with some force; mons. Baudelot hath assured me of his honour, that instead of Martigues coming against them, he will come with as good a force to succour them: and if that be sent under meaner conduct, Robert Stuart shall come with as many to fortify them. But the constable hath assured these lords, that the king meaneth no way to offend them. Sir, I pray you find my revocation convenient, and speed you to further it, for I am here now to no purpose, unless it be to kindle these lords more against us. Thus I do humbly take my leave of you, from Edenburgh the 12th of August, 1567.

Yours to use and command.

THE QUEEN TO NICOLAS THROKMORTON.

Trusty and well-beloved, we greet you well. We have, within these two days, received three sundry letters of yours, of the 20th, 22d, and 23d, of this month, having not before those received any seven days before; and do find, by these your letters, that you have very diligently and largely advertised us of all the hasty and peremptory proceedings there; which as we nothing like, so we trust in time to see them wax colder, and to receive some reformation. For we cannot perceive, that they with whom you have dealt can answer the doubts moved by the Hamiltons, who howsoever they may be carried for their private respects, yet those things which they move, will be allowed by all reasonable persons. For if they may not, being noblemen of the realm, be suffered to hear the queen their sovereign declare her mind concerning the reports which are made of her, by such as keep her in captivity, how should they believe the reports, or obey them, which do report it? and therefore our meaning is, you shall let the Hamiltons plainly understand that we do well allow of their proceedings (as far forth as the same doth concern the queen their sovereign for her relief) and in such things as shall appear reasonable for us therein to do, for the queen our sister, we will be ready to perform the same. And where it is so required, that upon your coming thence, the lord Scroope should deal with the lord Herris to impart their meanings to us, and ours to them, we are well pleased therewith, and we require you to advertize the lord Scroope hereof by your letters, and to will him to show himself favourable to them in their actions, that may appear plainly to tend to the relief of the queen, and maintenance of her authority. And as we willed our secretary to write unto you, that upon your message done to the earl of Murray, you might return, so our

meaning is you shall. And if these our letters shall meet you on the way, yet we will have you advertise both the lord Scroope and the Hamiltons of our meaning.

Indorsed the 29th of Aug. 1567.

N°. XXIII. Vol. I. Page 355.

SIR NICOLAS THROKMORTON TO THE ARCHBISHOP OF ST. ANDREW'S AND THE ABBOT OF ARBROTHE[g].

After my good commendations to your good lordships, this shall be to advertise you, that the queen's majesty my sovereign having sent me hither her ambassador to the queen her sister your sovereign, to communicate unto her such matter as she thought meet, considering the good amity and intelligence betwixt them, who being detained in captivity (as your lordships know) contrary to the duty of all good subjects, for the enlargement of whose person, and the restitution of her to her dignity, her majesty gave me in charge to treat with these lords, assembled at Edenburgh, offering them all reasonable conditions and means as might be, for the safeguard of the young prince, the punishment of the late horrible murder, the dissolution of the marriage betwixt the queen and the earl of Bodwell, and lastly for their own sureties. In the negotiation of which matters I have (as your lordships well know) spent a long time to no purpose, not being able to prevail in any thing with those lords to the queen my sovereign's satisfaction. Of which strange proceedings towards her majesty, and undutiful behaviour towards their sovereign, I have advertised the queen's majesty, she (not being minded to bear this indignity) hath given me in charge to declare her further pleasure unto them, in such sort as they may well perceive her majesty doth disallow of their proceedings, and thereupon hath revoked me. And further hath given me in charge to communicate the same unto your lordships, requiring you to let me know, before my departure hence (which shall be, God willing, as soon as I have received answer from you) what you and your confederates will assuredly do, to set the queen your sovereign at liberty, and to restore her to her former dignity by force or otherwise; seeing these lords have refused all other mediation, to the end the queen's majesty my sovereign may concur with your lordships in this honourable enterprize.

And in case, through the dispersion of your associates, your lordships can neither communicate this matter amongst you, nor receive resolution of them all by that time, it may please you to send me the opinion of so many of you as may confer together, within two or three days, so as I may have your answer here in this town by Monday or Tuesday next at the farthest, being the 19th of this August: for I intend (God willing) to depart towards England, upon Wednesday following. Thus I most hum-

[g] The 13th of August, 1567. Paper office. From a copy which sir Nicholas sent to the queen.

bly take my leave of your lordships at Edenburgh, the 13th of Aug. 1567.

Indorsed the 13th of Aug. 1567.

SIR NICOLAS THROKMORTON TO THE LORD HERRYS[h].

Your good lordship's letter of the 13th of August I have received the 19th of the same. For answer whereunto it may like your lordship to understand, that I will signify unto you plainly, how far forth I am already thoroughly instructed of the queen's majesty my sovereign's pleasure concerning the detention of the queen your sovereign, and concerning her relief.

To the first her majesty hath given in charge, to use all kinds of persuasion in her name, to move these lords assembled at Edenburgh to desist from this violent and undutiful behaviour, which they use towards their sovereign. And in this part, besides the shew of many reasons, and sundry persuasions of amicable treaty with them, her majesty hath willed me to use some plain and severe speech unto them, tending so far forth, as if they would not be better advised, and reform these their outrageous proceedings exercised against their sovereign, that then they might be assured her majesty neither would nor could endure such an indignity to be done to the queen, her good cousin and neighbour.

And notwithstanding these my proceedings with them, they have made proof to be little moved thereby; for as yet neither will they consent to the enlargement, neither suffer me to speak with her. So as it seemeth to me, it is superfluous to treat any more with them after this manner. Whereupon I have advertised the queen's majesty my sovereign, expecting daily her majesty's further order; and as I shall be advertised thereof, so will not fail to signify the same to your good lordship; and in the mean time will advertise her majesty also, what your lordship hath written unto me. Thus with my due commendations to your good lordship, I commit the same to Almighty God, resting always to do you the pleasure and service that I can lawfully. At Edenburgh.

Indorsed the 24th of Aug. 1567.

N°. XXIV. Vol. I. Page 364.

ACCOUNT OF LORD HERREIS'S BEHAVIOUR IN THE PARLIAMENT HELD DECEMBER 15, 1567[i].

The lord Herrys made a notable harangue in the name of the duke and himself, their friends and adherents, (the duke himself, the earl of Cassilles, and the abbot of Kilwinning being also present,) to persuade the union of the whole realm in one mind. Wherein he did not spare to set forth solemnly the great praise

[h] August the 24th, 1567. Paper office. From a copy which sir Nicholas sent to secretary Cecil.

[i] Paper office.

that part of this nobility did deserve, which in the beginning took meanes for punishment of the earl Bothwell, as also seeing the queen's inordinat affection to that wicked man, and that she could not be induced by their persuasion to leave him, that in sequestring her person within Lochleven, they did the duty of noblemen. That their honourable doings, which had not spared to hazard their lives and lands, to avenge their native country from the slanderous reports that were spoken of it among other nations, had well deserved that all their brethren should join with them in so good a cause. That he and they, in whose names he did speak, would willingly, and without any compulsion, enter themselves in the same yoke, and put their lives and lands in the like hazard, for maintenance of our cause. And if the queen herself were in Scotland, accompanied with 20,000 men, they will be of the same mind, and fight in our quarrel. He hoped the remainder noblemen of their party, Huntly, Arguile, and others, which had not as yet acknowledged the king, would come to the same conformity, whereunto he would also earnestly move them. And if they will remain obstinate, and refuse to qualify themselves, then will the duke, he and their friends, join with us to correct them, that otherwise will not reform themselves. So plausible an oration, and more advantageous for our party, none of ourselves could have made. He did not forget to term my lord regent, by the name of regent, (there was no mention at all of the earl of Murray,) and to call him grace at every word, when his speeches were directed to him, accompanying all his words with low courtesies after his manner.

N°. XXV. Vol. I. Page 382.

QUEEN MARY TO QUEEN ELIZABETH [k].

Madam,

Although the necessity of my cause (which maketh me to be importune to you) do make you to judge that I am out of the way; yet such as have not my passion, nor the respects whereof you are persuaded, will think that I do as my cause doth require. Madam, I have not accused you, neither in words, nor in thought, to have used yourself evil towards me. And I believe that you have no want of good understanding, to keep you from perswasion against your natural good inclination. But in the mean time I can't chuse (having my senses) but perceive very evil furtherance in my matters, since my coming hither. I thought that I had sufficiently discoursed unto you the discommodities, which this delay bringeth unto me. And especially that they think in this next month of August, to hold a parliament against me and all my servants. And in the mean time, I am stayed here, and yet will you, that I should put myself further into your country, (without seeing you), and remove me further from mine; and there do me this dishonour at the request of my rebels, as to send

[k] Cott. Lib. Cal. i. A copy, and probably a translation.

commissioners to hear them against me, as you wold do to a mere subject, and not hear me by mouth. Now, madam, I have promised you to come to you, and having there made my moan and complaint of these rebels, and they coming thither, not as possessors, but as subjects to answer. I would have besought you to hear my justification of that which they have falsely set forth against me, and if I could not purge myself thereof, you might then discharge your hands of my causes, and let me go for such as I am. But to do as you say, if I were culpable I would be better advised; but being not so, I can't accept this dishonour at their hands, that being in possession they will come and accuse me before your commissioners, whereof I can't like: and seeing you think it to be against your honour and consignage to do otherwise, I beseech you that you will not be mine enemy, until you may see how I can discharge myself every way, and to suffer me to go into France, where I have a dowry to maintain me; or at least to go into Scotland, with assurance that if there come any strangers thither, I will bind myself for their return without any prejudice to you, or if it pleis you not to do thus, I protest that I will not impute it to falsehood, if I receive strangers in my country without making you any other discharge for it. Do with my body as you will, the honour or blame shall be yours. For I had rather die here, and that my faithful servants may be succoured (tho' you would not so) by strangers, than to suffer them to be utterly undone, upon hope to receive in time to come, particular commodity. There be many things to move me to fear that I shall have to do in this country, with others than with you. But forasmuch as nothing hath followed upon my last moan, I hold my peace, happen what may hap. I have as leef to [abide, endure] my fortune, as to seek it and not find it. Further, it pleased you to give license to my subjects to go and come. This has been refused by my lord Scroop and Mr. Knolls (as they say) by your commandment, because I would not depart hence to your charge, untill I had answer of this letter, tho' I shewed them, that you required my answer upon the two points, contained in your letter.

The one is to let you briefly understand, I am come to you to make my moan to you, the which being heard, I would declare unto you mine innocency, and then require your aid, and for lack thereof, I can't but make my moan and complaint to God, that I am not heard in my just quarrel, and to appeal to other princes to have respect thereunto as my case requireth; and to you, madam, first of all when you shall have examined your conscience before him, and have him for witness.——And the other, which is to come further into your country, and not to come to your presence, I will esteem that as no favour, but will take it for the contrary, obeying it as a thing forced. In mean time, I beseech you, to return to me my lord Herries, for I can't be without him, having none of my counsal here, and also to suffer me, if it please you, without further delay, to depart hence whithersoever it be out of this country. I am sure you will not deny me

this simple request for your honour's sake, seeing it doth not please you to use your natural goodness towards me otherwise, and seeing that of mine own accord I am come hither, let me depart again with yours. And if God permit my causes to succeed well, I shall be bound to you for it; and happening otherwise, yet I can't blame you. As for my lord Fleeming, seeing that upon my credit you have suffered him to go home to his house, I warrant you he shall pass no further, but shall return when it shall please you. In that you trust me I will not (to die for it) deceive you. But *from* [perhaps *for*] Dumbarton I answer not, when my l. Fleeming shall be in the tower. For they which are within it, will not forbear to receive succour, if I don't assure them of yours; no, tho' you would charge me withal, for I have left them in charge, to have more respect to my servants and to my estate, than to my life. Good sister, be of another mind, win the heart, and all shall be yours, and at your commandment. I thought to satisfy you wholly, if I might have seen you. Alas! do not as the serpent, that stoppeth his hearing, for I am no enchanter, but your sister, and natural cousin. If Cæsar had not disdained to hear or read the complaint of an advertiser, he had not so died; why should princes ears be stopped seeing that they are painted so long? meaning that they should hear all and be well advised, before they answer. I am not of the nature of the basilisk, and less of the chamelion, to turn you to my likeness, and tho' I should be so dangerous and curs'd as men say, you are sufficiently armed with constancy and with justice, which I require of God, who give you grace to use it well with long and happy life. From Carlisle, the 5th of July 1568.

N°. XXVI. Vol. I. Page 383.

PART OF A LETTER FROM SIR FRANCIS KNOLLYS TO CECIL, 8TH AUG. 1568, FROM BOLTON [1].

—But surely this queen doth seem, outwardly, not only to favour the form, but also the chief article of the religion of the gospel, namely, justification by faith only; and she heareth the faults of papestry revealed by preaching or otherwise, with contented ears, and with gentle and weak replys, and she doth not seem to like the worse of religion throw me.

PART OF A LETTER FROM SIR FRANCIS KNOLLYS TO CECIL, 21ST SEPT. 1568, FROM BOLTON.

—It came to this queen's ears of late that she was bruited to be lately turned to the religion of the gospell, to the great disliking of the papists hereabouts, which thing she herself confessed unto me, and yesterday, openly in the great chamber, when the assembly was full, and some papists present, she took occasion to speak of religion, and then openly she professed herself to be of the pa-

[1] An original. Paper office.

pist religion, and took upon her to patronize the same, more earnestly than she had done a great while afore, altho' her defences and arguments were so weak, that the effect of her speech was only to show her zeal; and afterwards to me alone, when I misliked to see her become so confidently backward in religion, Why, said she, would you have me to lose France and Spain, and all my friends in other places, by seeming to change my religion, and yet I am not assured the queen my good sister will be my assured friend, to the satisfaction of my honour and expectation?

N°. XXVII. Vol. I. Page 384.

A LETTER FROM MY LORD HERRIES TO MY LORD SCROOP AND SIR F. KNOLLYS, SEPT. 3D, 1568[m].

My lords, pleasit your honourable lordships, I am informed by James Borthwick, lately come from the queen's majesty your soverane, that his schawin to her highness I shuld have ridden in Crafurdmure, sen my last cuming into this realm, upon the earl of Murray's dependants. And that I suld have causit, or been of counsall to Scottismen to have ridden in England, to slay or spulzie her majesty's subjects.

My lords, I thought it right needful because your lordships is, by your soverane, commanded to attend upon the queen's majesty my mistress, so having daily access in thir matters, to declare upon the truth; humbly desiring that your lordships will, for God's cause, certificate the queen your soverane the same.

As God lives, I have neither consented, nor any wise had knowledge of any Scottisman's riding in England, to do the subjects thereof hurt in bodies or goods, sene the siege of Leith; and as I understand it shall be fund true, that gif ony sic open hurt be done, it is by the queen my sovereign's disobedients, and that I have not ridden nor hurt no Scottishman, nor commanded no hurt to be done to them, sene my coming from the queen's majesty of England, it is well kend, for that never ane will complain of me.

I have done more good to Crawfurdmure nor ever the earl of Murray has done, and will be loather to do them any harm than he will. Except the queen's majesty your sovereign, command sic false reports to be tryit, quhereof this is altogidder an inventit leasing, her grace sall be trublit, and tyne the hearts of trne men here, quhom of sic report sall be made, that baieth would serve hir, and may, better than they unworthy liars.

My lords, I understand the queen's majesty your sovereign is not contented of this bruite, that there should ony Frenchman come in this realm, with the duke of Chattelherault. Truth it is, I am no manner of way the counsall of their cuming, nor has no sic certainty thereof, as I hear by Borthwick's report, from the queen's majesty your sovereign. And gif I might as well say it, as it is trne indeed, her grace's self is all the wyitt, and the

[m] Cott. Lib. Cal. C. An original in his own hand.

counsall that will never let her take order with my maistress cause. For that our sovereign havand her majesty's promise, be writing, of luff, friendship, and assistance gif need had so requirit, enterit that realm, upon the 16 day of May, sen that time the queen's majesty has commanded me divers times to declare she would accept her cause, and do for her, and to put her in peaceable possession of this realme, and when I required of her majesty, in my maistress name, that her highness would either do for her, (as her special trust was she wold,) according to her former promises, or otherwise give her counsal, wold not consent, (as I show her grace I fand diverse repugnant,) then that she would permit her to pass in France, or to some other prince to seek support, or failing hereof, (quhilk was agains all reason,) that she would permit her to return in her awin countrie, in sic sempil manner as she came out of it, and said to her majesty ane of thir, for her honour, would not be refusit, seeand that she was comed in her realm upon her writings and promises of friendship. And sicklike, I said to her highness, gif my maistress had the like promise of her nobility and estates, as she had of herself, I should have reprovit them highly, gif they had not condescendit to one of thir three, and so I say, and so I write, that in the warld it shall be maist reprehendable, gif this promise taketh not other good effect, nor yet it does. Notwithstanding, I get gud answer of thir promises of friendship made to my sovereign, and to put her grace in this her awin countrie peaceably, we have fund the contrary working by Mr. Middlemore directit from her highness to stay the army that cuist down our houses. And alsua, in the proceeding of this late pretendit parliament, promised twenty days before the time to myself to have caused it been dischargit. And yet contrary to this promise, have they made their pretendit manner of forfaulture of 31 men of guid reputation, bishops, abbottis, and baronis, obedient subjects to our sovereign, only for her cause.

They have also disponit, sen our sovereign's cause was taken upon hand be the queen's majesty of that realm, an hundred thousand pound Scots worth of her awin true subjects geir, under the color of the law, groundit upon their false, treasonable, stowin, authority.

The murders, the oppressions, the burnings, the ravishing of women, the destruction of policy, both ecclesiastical and temporal, in this mean time, as in my former writings I said it was lamentable to ony christian man to hear of, except God gif grace, the profession of the evangile of Jesus Christ professit be your prince, counsall and realme, be mair myndit, nor the auld inamity that has stand betwixt the realms, many of my countrymen will doubt in this article, and their proceedings puttis myself in Sanct Thomas belief.

Now, my lords, gif the queen's majesty of that realm, upon quhais promis and honour my maistress came there, as I have said, will leave all the French writings, and French phrases of writings, quhilks amongis them is over meikle on baith the sides

unfit, and plainly, according to the auld true custom of Ingland and Scotland, quherein be a word promist truth was observ'd, promise, in the name of the eternal God, and upon the high honour of that nobill and princely blude of the kings of Ingland, quhereof she is descendit, and presently wears the diadem, that she will put my maistress in her awin country, and cause her as queen thereof in her authority and strength to be obeyit, and to do the same will appoint an certain day within two months at the farthest, as we understand this to be our weil, sua will we, or the maist part of us all, follow upon it, leaving the Frenchmen, and their evil French phrases togidder. And therefore, and for the true perpetual friendship of that realm, will condition, and for our part, with the grace of Almighty God, keep sic heads and conditions of agreement, as noble and wise men can condescend upon, for the weill of this hail island. As I have been partlings declaring to the queen your sovereign, quhilk I show to your lordships selfis both in religion, in the punishment of the earl Bothwile, for the queen's last husband's slaughter, and for a mutual band of amity perpetually to remain amangis us.

Doubtless, my lords, without that, we may find sic time and friendly working, as may give us occasion baith to forgette Middlemore and his late pretendit parliament, we will turn the leaf, leaving our sovereign agains our will to rest where she is, under the promise of friendship, as I have baith said, and will ever affirm, made by your sovereign, quhilk was only cause of her grace's coming in that realme, and seek the help and moyen of French, or Spanish, till expulse this treasonable and false pretendit authority, quhilk means to reign above us.

My lords, I desire your lordships consider, that it is he, that maist desires the amity betwixt Ingland and Scotland to continue, and of a poor man best cause has, that writ this.

My brother, the laird of Skirling, schaws me, that in your lordships communing with him, it appearit to him, your mind was we shold suffer the earl of Murray to work, altho' it were agains reason to us, and complain thereof to the queen's majesty, and her highness wald see it reformit. My lords, her majesty will be over meikle troublit to reform the wranges we have sustainit already. For I am sure, gif reason and justice may have place, our maistress, and we her subjects, have received express wrang, far above two hundred thousand pounds sterling, in the time of this unhappy government, seeing the reformation of sa great causes, comes, now a days, so slowlie, and the ungodly law of oblivion in sic matters so meikle practis'd, I think, nowther for the queen's honour, nor our weil, your lordships would sua mean, nor that it is good to us to follow it. And that ye will give your sovereign sic advertisement thereof, as your good wisdoms shall find in this cause meet. It will be true and frindful working for us, indeed, and nowther French phrases nor boasting, and finding little other effect, that will cause us to hold away the Frenchmen. This is plainly written, and I desire your lordships plain answer, for in truth and plainness langest continues gud

friendship, quhilk in this matter I pray God may lang continue, and have your lordships in his keeping. Off Dumfreis, the 3d day of September 1568.

Your lordships at my power
To command leifully
HERRIS.

QUEEN MARY TO Q. ELIZABETH [n].

Madame ma bonne soeur. J'ay resceu de vos lettres, d'une mesme dete; l'une, ou vous faites mention de l'excuse de mons^r. de Murra pour tenir son pretendu parlement, qui me semble bien froid, pour obtenir plus de tollerance que je m'estois persuadée n'avoir par vostre promesse, quant a n'osser donner commission de venir sans un parlement pour leur peu de nombre de noblesse alors, je vous respons, qu'ils n'ont que trois ou quatre d'avantage, qui eussent aussi bien dit leur opinion hors de parlement, qui n'a esté tenu tant pour cette effect, mais pour faire ce qu'expressement nous avions requis estre empeschés, qui est la forfalture de mes subjects pour m'avoir estés fidelles, ce que je m'assurois, jusques a heir, avoir eu en promesse de vous, par la lettre ecrite a milord Scrup e maistre Knoleis vous induire a ire contre eulx, voire, a les ensayre resentir; toutefois je vois que je l'ay mal pris, j'en suis plus marrie, pour ce que sur votre lettre qu'ils me montrerent, et leur parole, je l'ay si divulguement assuray que pour vengeance que j'en desirasse, si non mettre difference entre leur faux deportemens, et les miens sinceres. Dans vostre lettre aussi datée du 10me d'Aoust, vous metties ces mots. "I think your adverse party, upon my sundry former advices, will hold no parliament at all; and if they do, it shall be only in form of an assembly to accord whom to send into this realm, and in what sort; for otherwise, if they shall proceed in manner of a parliament, with any act of judgment against any person, I shall not, in any wise, allow thereof; and if they shall be so overseen, then you may think the same to be of no other moment, than the former procedures; and by such their rash manner of proceeding, they shall most prejudice themselves; and be assured to find me ready to condemn them, in their doings." Sur quoy, j'ay contremandé mes serviteurs, les faissant retirer, souffrant selon vostre commandement d'etre faussement nommés traitres, par ceulx, qui le sont de vray; et encore d'etre provoqués par escarmonsdies, et par prinses de mes gens et lettres, et au contraire vous etes informée que mes subjects ont evahis les vostres, madame, qui a fait ce rapport n'est pas homme de bien, car laird de Sesford et son fils sont et ont estés mes rebelles depuis le commencement; enquirés vous, s'ils n'estoient a Donfris aveques eulx, j'avois offri respondre de la frontiere, ce qui me fut refusé, ce qui m'en devroit asses descharger, neanmoins, pour vous faire preuve de ma fidelité, et de leur falsité, s'il vous me fayte donner le nom des coulpables,

[n] 1568. Cott. Lib. Cal. i. An original.

et me fortifier, je commanderay mes subjects les pour suivre, ou si vous voules que ce soit les vostres, les miens leur ayderont; je vous prie m'en mander vostre volonté, au reste mes subjects fidelles seront responsables a tout ce que leur sera mis su les contre vous, ni les vostres, ni les rebelles, despuis que me conseillates les faire retirer. Quant aux François, j'escrivis que l'ôn m'en fit nulle poursuite, car j'esperois tant en vous, que je n'en aurois besoign,—je ne sçeu si le dict aura eu mes lettres, mais je vous jure devant Dieu que je ne scay chose du monde de leur venue, que ce que m'en aves manday, ni n'en ai oui de France mot du monde, et ne le puis croire pour cest occasion, et si ils si sont, c'est sans mon sceu ni consentement. Pourquoy je vous supplie ne me condamner sans m'ouire, car je suis prest de tenir tout ce que j'ay offert a mester Knoleis, et vous assure que vostre amité, qu'il vous plest m'offrir, sera rescue avant toutes les choses du monde, quant France servit la pour presser leur retour a ceste condition, que prenies mes affaires en mein, en soeur, et bonne ami, comme ma Francé est en vous; mais une chose seule me rende confuse, j'ay tant d'enemis qu'ont votre oreille, la quelle ne pouvant avoir par parolle, toutes mes actions vous sont desguisées, et falsement raportées, par quoi il m'est impossible de m'assurer de vous, pour les mauteries qu'on vous a fait, pour destruire vostre bonne volonté de moy; par quoy je desirerois bien avoir ce bien vous faire entendre ma sincere et bonne affection, laquelle je ne puis si bien descrire, que mes enemis a tort ne la decoloré. Ma bonne soeur, gagnés moy; envoyés moy querir, n'entrés en jalousie pour faulx raports de celle que ne desire que votre bonne grace; je me remettray sur mester Knoleis a qui je me suis librement descouverte, et apres vous avoir baisée les mains, je prierai Dieu vous donner en santé, longue et heureuse vie. De Boton, ou je vous promets, je n'espere pertir, qu'aveques vostre bonne grace, quoyque les menteurs mentent. Ce 26 d'Aoust.

N°. XXVIII. Vol. I. Page 384.

QUEEN ELIZABETH TO THE EARL OF MURRAY [o].

Right trusty and right well-beloved cousin, we greet you well. Where we hear say, that certain reports are made in sundry parts of Scotland, that whatsoever should fall out now upon the hearing of the queen of Scotts cause, in any proof to convince or to acquit the said queen concerning the horrible murder of her late husband our cousin, we have determined to restore her to her kingdom and government, we do so much mislike hereof, as we cannot indure the same to receive any credit; and therefore we have thought good to assure you, that the same is untruly devised by the authors to our dishonour. For as we have been always certified from our said sister, both by her letters and

[o] Paper office. From a copy corrected by secretary Cecil.

messages, that she is by no means guilty or participant of that murder, which we wish to be true, so surely if she should be found justly to be guilty thereof as hath been reported of her, whereof we would be very sorry, then, indeed, it should behoove us to consider otherwise of her cause than to satisfy her desire in restitution of her to the government of that kingdom. And so we would have you and all others think, that should be disposed to conceive honourably of us and our actions.

Indorsed the 20th Sept. 1568.

N°. XXIX. Vol. I. Page 390.

SIR FRANCIS KNOLLYS TO CECIL, THE 9TH OF OCTOBER, 1568, FROM YORK[p].

My lord's grace of Norfolk sending for me to Bolton, to attend upon him here Thursday last, I made my repair hither accordingly, meaning to stay here until Munday next; as touching the matters of the commission, that his grace and the rest have from her highness, his grace hath imparted unto me of all things thereunto appertaining, and what hath hitherto passed, and altho' the matters be too weighty for my weak capacity, to presume to utter any opinion of mine own thereof, yet I see that my lord Herris for his parte laboureth a reconciliation, to be had without the extremity of odious accusations; my lord of Ledington also saith to me, that he could wish these matters to be ended in dulce maner, so that it might be done with safety; of the rest you can conceive, by the advertisements and writings sent up by our commissioners.

A LETTER FROM THE BISHOP OF ROSS TO THE QUEEN OF SCOTS, FROM YORK, OCTOBER 1568[q].

Pleis your majesty I conferred at length with A. ane great part of a night, who assurit me that he had reasoned with B. this Saturday C. on the field, who determinate to him that it was the D. determinit purpose not to end your cause at this time, but to hold the same in suspence, and did that was in her power, to make the E. pursue extremity, to the effect F. and his adherents might utter all they could to your dishonour, to the effect to cause you come in disdain with the hail subjects of this realm, that ye may be the mair unable to attempt any thing to her disadvantage. And to this effect is all her intention, and when they have produced all they can against you, D. will not appoint the matter instantly, but transport you up in the country, and retain you there till she think time to show you favour, which is not likely to be hastily, because of your uncles in France, and the fear she has of yourself to be her unfriend. And therefore their counsel is, that ye write an writing to the D. meaning that ye are informit

[p] An original. Paper office.

[q] Cott. Lib. Calig. c. i. A copy.

that your subjects which has offendit you.—This in effect that your majesty hearing the estate of your affairs as they proceed in York, was informed that her majesty was informed of you, that you could not gudely remit your subjects in such sort as they might credit you hereafter, which was a great cause of the stay of this controversy to be ended. And therefore persuading her D. effectually not to trust any who had made such narration. But like as ye had rendered you in her hands, as most tender to you of any living, so prayit her to take na opinion of you, but that ye wald use her counsell in all your affairs, and wald prefer her friendship to all others, as well uncles as others, and assure her to keep that thing ye wald promise to your subjects by her advice. And if D. discredit you, ye wald be glad to satisfy her in that point be removing within her realm in secret and quiet manner, where her G. pleased, until the time her G. were fully satisfied, and all occasion of discredit removed from her. So that in the mean time your realm were holden in quietness, and your true subjects restored and maintained in their own estate, and sic other things tending to this effect. And affirms that they believe that this may be occasion to cause her credit you that ye offer so far; and it may come that within two or three months she may become better-minded to your grace, for now she is not well-minded, and will not show you any pleasure for the causes aforesaid.

N. B. The title of this paper is in Cecil's hand; the following key is added in another hand.

A. The laird of Lethington.
B. The duke of Norfolk.
C. Was the day he rode to Cawood.
D. The queen of England.
E. The queen of Scots commissioners.
F. The earl of Murray.

N°. XXX. Vol. I. Page 399.

Deliberation of Secretary Cecil's concerning Scotland, the 21st of Dec. 1568[r].

The best way for England, but not the easiest; that the queen of Scots might remain deprived of her crown, and the state continue as it is.

The second way for England profitable, and not so hard.—That the queen of Scots might be induced, by some perswasions, to agree that her son might continue king, because he is crowned, and herself to remain also queen; and that the government of the realm might be committed to such persons as the queen of England should name, so as for the nomination of them it might be ordered, that a convenient number of persons of Scotland should be first named to the queen of England, indifferently for the queen of Scots, and for her son, that is to say, the one half by the queen

[r] Paper office.

of Scots, and the other by the earle of Lennox, and lady Lennox, parents to the child; and out of those, the queen's majesty of England to make choice for all the officers of the realm, that are, by the laws of Scotland, disposable by the king or queen of the land.

That untill this may be done by the queen's majesty, the government remain in the hands of the earle of Murray as it is, providing he shall not dispose of any offices or perpetuals to continue any longer but to these offered of the premises.

That a parliament be summoned in Scotland by several commandments, both of the queen of Scots and of the young king.

—That hostages be delivered unto England on the young king's behalf, to the number of twelve persons of the earle of Murray's part, as the queen of Scots shall name; and likewise on the queen's behalf, to the like number as the earle of Murray shall name; the same not to be any that have by inheritance or office cause to be in this parliament, to remain from the beginning of the summons of that parliament, untill three months after that parliament; which hostages shall be pledges, that the friends of either part shall keep the peace in all cases, till by this parliament it be concluded, that the ordinance which the queen of England shall devise for the government of the realm (being not to the hurt of the crown of Scotland, nor contrary to the laws of Scotland for any man's inheritance, as the same was before the parliament at Edin^{r}. the Decem^{r}. 1567) shall be established to be kept and obeyed, under pain of high treason for the breakers thereof.

—That by the same parliament also be established all executions and judgments given against any person for the death of the late king.

—That by the same parliament, a remission be made universally from the queen of Scots to any her contrarys, and also from every one subject to another, saving that restitution be made of lands and houses, and all other things heritable, that have been by either side taken from them which were the owners thereof at the committing of the queen of Scots to Lochlevin.

That by the same parliament it be declared who shall be successors to the crown next after the q. of Scots and her issue; or else, that such rights as the d. of Chatelherault had, at the marriage of the q. of Scots with the lord Darnley, may be conserved and not prejudized.

That the q. of Scots may have leave of the queen's majesty of England, twelve months after the said parliament, and that she shall not depart out of England without special licence of the queen's majesty.

That the young king shall be nourished and brought up in England, till he be years of age.

It is to be considered, that in this cause the composition between the queen and her subjects may be made with certain articles, outwardly to be seen to the world for her honour, as though all the parts should come of her, and yet for the surety of con-

trarys, that certain betwixt her and the queen's majesty are to be concluded.

N°. XXXI. Vol. I. Page 401.

THE QUEEN TO SIR FRANCIS KNOLLEYS, 22 JANUARY, 1568-9 [s].

We greet you well, we mean not, at this point, by any writing, to renew that which it hath pleased God to make grevious to us and sorryful to yow; but forbearing the same as unmeet at this point, having occasion to command yow in our service, and yow also whilest you are to serve us. We require yow to consider of this that followeth with like consideration and diligence, as hitherto yow have accustumate in our service; at the time of our last letters written to yow the fourteenth of this month for removing of the queen of Scots, we had understanding out of Scotland of certain writtings sent by her from thence into Scotland, amongst the which one is found to contain great and manifest untruths touching us and others also, as shall and may plainly appear unto yow by the copy of the same, which likewise we send yow, and because at the same time we were advertised, that it should be shortly proclaimed in Scotland, though then it was not, we thought good first to remove the queen, before we would disclose the same, and then expect the issue thereof; and now, this day, by letters from our cousin of Hunsdon we are ascertained, that since that time the same matters contained in the writing, are published in diverse parts of Scotland, whereupon we have thought it very meet, for the discharge of our honor, and to confound the falsehood contained in that writting, nôt only to have the same reproved by open proclamation upon our frontiers, the coppy whereof we do herewith send yow, but also in convenient sort to charge that queen therewith, so as she may be moved to declare the authors thereof, and persuaders of her to write in such slanderous sort such untruths of us; and in the mean season, we have here stayed our commissioners, knowing no other whom we may more probably presume to be parties hereunto, than they, untill the queen shall name some other, and acquit them; who being generally charged, without expressing to them any particularity, do use all manner of speeches to discharge themselves; wherefore our pleasure is, that ye shall, after ye have well perused the coppy of this writting sent to yow, speedily declare unto her, that we have good understanding given us of diverse letters and writtings, sent by her into Scotland, signed by her own hand, amongst which one such writting is sent with her commandment, expressly as now it is already published, as we are much troubled in mind that a princess as she is having a cause in our hands so implicated with difficultys and calamitys, should either conceave in her own mind, or allow of them that should devise such false, untrue, and improbable matters against us, and

[s] Paper office.

our honor, and specially to have the ayenture to have the same being known so untrue to be published; and you shall also say, because we will not think so ill of her, as that it should proceed of her self, but rather she hath been counselled thereunto, or by abuse made to think some part thereof to be true, we require her, even as she may look for any favour at our hands, that she will disburden herself as much as truly she may herein, and name them which have been the authors and perswaders thereof, and so she shall make as great amends to us as the case may require; after you have thus far proceeded, and had some answer of her, whether she shall deny the writting absolutely, or name any that have been the advisers thereof, you shall say unto her that we have stayed her commissioners here, untill we may have some answer hereof, because we cannot but impute to them some part of this evil dealing, untill by her answer the authors may be known; and as soon as you can have direct answers from her, we pray you to return us the same; for as the case standeth, we cannot but be much disquieted with it, having our honour so deeply touched contrary to any intention in us, and for any thing we know in our judgment the earl of Murray and others named in the same writting, void of thought for the matters, to them therein imputed; you may impart to the queen of Scots either the contents of the slanderous letter, or show her the copy to read it, and you may also impart this matter to the lord Scroop, to join with you there as you shall think meet.

SIR FRANCIS KNOLLEYS TO QUEEN ELIZABETH, FROM WETHERBY, THE 28TH JANUARY 1568[t].

——I will supress my own grieffs, and pass them over with silence, for the present learning of your majesty—and for this queen's answer to the coppie of her supposed letter sent unto Scotland, I must add this unto my brother's letter, sent unto Mr. Secretary yesternight late; in process of time she did not deny but that the first lines contained in the same copie, was agreeable to a letter that she had sent unto Scotland, which touched my lord of Murray's promise to deliver her son into your majesty's hands, and to avoid that the same should not be done without her consent, made her, she saith, to write in that behalf; she saith also that she wrote that they should cause a proclamation to be made to stir her people to defend my lord of Murray's intent and purpose, for delivering of her said son, and impunge his rebellious government, as she termed it, but she utterly denyeth to have written any of the other slanderous parts of the said letter touching your majesty; she said also, that she suspected that a Frenchman, now in Scotland, might be the author of some Scotch letters devised in her name, but she would not allow me to write this for any part of her answer.

[t] An original. Paper office.

N°. XXXII. Vol. I. Page 409.

SIR NICOLAS THROKMORTON TO THE RIGHT HONOURABLE THE LORD OF LIDDINGTON [u].

Your letter of the 3d of July, I have received the 15th of the same. For answer whereunto you shall understand that friends here to my lord regent and you do wish such a concurrence in all doings, as in matter and circumstances there arise no dissension, or, at the least, no more nor other than the difference of countries doth necessarily require. We here do think convenient that as few delays be used as may be, for the consummation of the matter in hand, which principally to advance your allowance, prosecution, and speedy promotion in Scotland, is most requisite, for you are so wise, and well acquainted with the state of the world, and with all our humours, as you know that some do allow and disallow for reason, some for respect of multitude, some for respect of persons, and so the cause is to go forward as men do like to set it forward. You are not to seek that some will use cautions, some neutrality, some delays, and some will plainly impunge it. And yet all and every of these sorts will alter their doings, when they shall see the regent and his favourers accord with the best and greatest part there, and agree with the wisest and strongest party here. Tho' the matter has taken its beginning here, upon deep and weighty considerations, for the weil of both the princes and their realms, as well presently as in time to come, yet it is thought most expedient that the regent, and realm of Scotland, by you, should propose the matter to the queen our sovereign, if you like to use convenience, good order, or be disposed to leave but a scar, and no wound of the hurts past. I would be glad that this my letter should come to your hands before the convention, whereat it seems your queen's restoration and marriage to the duke of Norfolk shall be propounded, either to wynne in them both allowance or rejection. To which proceedings, because you pray me to write frankly, I say and reason thus, me thinketh you use a preposterous order to demand the consent of such persons, in such matters, as their minds to a good end hath rather been felt or prepared, and therefore there must needs follow either a universal refusal, or factious division amongst you, whereby a bloustering intelligence must needs come to queen Elizabeth of the intended marriage from thence, which ought to have been secretly and advisedly propounded unto her highness; hereby you see then the meaning is, by this dealing, her majesty shall be made inexorable, and so bring the matter to such passe, as this which should have wrought surety, quietness, and a stay to both queens and their realms, shall augment your calamity, and throw us your best friends into divorse with you, and into unhappy division

[u] The 20th of July, 1569. From the original.

amongst ourselves; for you may not conjecture that the matter is now in deliberation, but expecteth good occasion for executing; sure I am you do not judge so slenderly of the managing of this matter, as to think we have not cast the worst, or to enter therein so far without the assistance of the nobility, the ablest, the wisest, and the mightiest of this realm, except queen Elizabeth: from whom it hath been concealed until you, as the fittest minister, might propound it to her, on the behalf of the regent, and the nobility of Scotland. How far master Woddes defamations do carry them of queen Elizabeth's affections, and master Secretary's, to assist the regent and to suppress the queen of Scots, I know not, nor it is not material; but I do assuredly think, that her majesty will prefer her surety, the tranquillity of her reign, and the conservation of her people, before any device, which may proceed from vain discourse, or imperfections of passions and inconsiderate affections. And as for Mr. Secretary, you are not to learn that as he liketh not to go too fast afore, so he coveteth not to tarry too far behind, and specially when the reliques be of no great value or power. If I could as well assure you of his magnanimity, and constancy, as of his present conformity, I would say confidently, you may repose as well of him in this matter, as of the duke of Norfolk, the earls of Arundel, Pembroke, Leicester, Bedford, Shrewsbury, and the rest of the nobility; all which do embrace and proteste the accomplishment of this case. I have, according to your advice, written presently to my lord regent, with the same zeal and care of his well-doing that I owe to him, whom I love and honour. Mr. Secretary hath assured unto him the queen of Scotland's favour and good opinion, wherewith he seemeth to be well satisfy'd. If your credit be as I trust, hasten your coming hither, for it is very necessary that you were here presently. Q. Elizabeth both doth write to my lord regent in such sort, as he may perceive Mr. Wood's discourses of her majesty's affection to be vain, and Mr. Secretary otherwise bent than he conjecturetb of him, the effect of which her majesty's letter you shall understand, by my lord Leicester's letter unto you at this dispatch. At the court, 20th July, 1569.

N°. XXXIII. Vol. I. Page 410.

PART OF A LETTER FROM THE EARL OF MURRAY TO L. B. PROBABLY LORD BURLEIGH [x].

—Because I see that great advantage is taken on small occasions, and that the mention of the marriage betwixt the queen my sovereign's mother, and the d. of Norfolk hath this while past been very frequent in both the realms, and then I myself to be spoken of as a motioner, which I perceive is at the last come to her majesty's ears; I will, for satisfaction of her highness, and the

[x] 1569. Harl. Lib. 37. b. 9. fol. 43.

discharge of my duty towards her majesty, manifest unto you my interest, and medling in that matter, from the very beginning, knowing whatsoever is prejudicial to her highness, cannot but be hurtful to the king my sovereign, this his realm, and me. What conferrences was betwixt the duke of Norfolk, and any of them that were with me within the realm of England, I am not able to declare; but I am no wise forgetful of any thing that passed betwixt him and me, either at that time, or since. And to the end her majesty may understand how I have been dealt with in this matter, I am compelled to touch some circumstances, before there was any mention of her marriage. In York, at the meeting of all the commissioners, I found very — and neutral dealing with the duke, and others her highness's commissioners, in the beginning of the cause, as in the making of the others to proceed sincerely, and so furth. During which time, I entered into general speech, sticking at our just defence in the matters that were objected against us, by the said queen's commissioners, looking certainly for no other thing, but summary cognition in the cause of controversy, with a final declaration to have followed. Upon a certain day the lord Lithington secretary rode with the duke to Howard, what purpose they had I cannot say, but that night Lithington returning, and entering into conferrence with me upon the state of our action, I was advised by him to pass to the duke, and require familiar conferrence, by the which I might have some feeling to what issue our matters would tend. According to which advice, having gotten time and place convenient in the gallery of the house where the duke was lodged, after renewing of our first acquaintance made at Berwick, the time before the assize of Leith, and some speeches passed betwixt us; he began to say to me, how he in England had favour and credit, and I in Scotland had will and friendship of many, it was to be tho't there could be none more fit instruments, to travel for the continuance of the amity betwixt the realms, than we two. And so that discourse upon the present state of both, and how I was entered in that action tending so far to the queen's dishonour, I was willed by him to consider how matters stood in this, what honour I had received of the queen, and what inconveniences her defamation in the matters laid to her charge might breed to her posterity. Her respect was not little to the crown of England, there was but one heir. The Hamiltons my unfriends, had the next respect, and that I should esteem the issue of her body would be the more affectionate to me and mine, than any other that could attain to that crown. And so it should be meetest, that she affirmed her dismission made in Lochlevin, and we to abstract the letters of her hand write, that she should not be defamed in England. My reply to that was, how the matter had passed in parliament, and the letters seen of many, so that the abstracting of the same could not then secure her to any purpose, and yet should we, in that doing, bring the ignominy upon us. Affirming it would not be fair for us that way to proceed, seeing the queen's majesty of England was not made privy to the matter as she ought to be, in respect we were purposely come in England for that end, and for

the — of the grants of our cause. The duke's answer was, he would take in hand to handle matters well enough at the court. After this, on the occasion of certain articles, that were required to be resolved on before we entered on the declaration of the very ground of our action, we came up to the court; where some new commissioners were adjoined to the former, and the hearing of the matter ordained to be in the parliament-house at Westminster, in presence of which commissioners of the said queen, and —— through the —— rebuking of the queen of England's own commissioners, we uttered the whole of the action, and produced such evidences, letters, and probations, as we had, which might move the queen's majesty to think well of our cause. Whereupon expecting her highness's declaration, and seeing no great likelihood of the same to be suddenly given, but daily motions then made to come to an accord with the said queen, our matters in hand in Scotland, in the mean season, standing in hazard and danger, we were put to the uttermost point off our wit, to imagine whereunto the matters would tend, tho' albeit we had left nothing undone for justification of our causes, yet appeared no end, but continual motions made to come to some accord with the queen, and restore her to whole or half reign. I had no other answer to give them, but that I should neither do against conscience or honour in that matter. Notwithstanding seeing this my plain answer wrought no end, nor dispatch to us, and that I was informed that the duke began to mislike of me, and to speak of me, as that I had reported of the said queen irreverently, calling her ——[y] and murderer, I was advised to pass to him, and give him good words, and to purge myself of the things objected to me, that I should not open the sudden entry of his evil grace, nor have him to our enemy —— considering his greatness. It being therewithal whispered and showed to me, that if I departed, he standing discontented and not satisfied, I might peradventure find such trouble in my way, as my throat might be cut before I came to Berrick. And therefore, since it might well enough appear to her marriage, I should not put him in utter despair, that my good will could not be had therein. So few days before my departing I came to the park in Hampton court, where the duke and I met together, and there I declared unto him that it was come to my ears, how some misreport should be made of me to him, as that I should speak irreverently and rashly of the said queen my sovereign's mother, such words as before expressed, that he might ——[z] thereby my affection to be so alienate from her, as that I could not love her, nor be content of her preferment, howbeit he might perswade himself of the contrary, for as she once was the person in the world that I loved best, having that honour to be so near unto her, and having received such advancement and honour by her, I was not so ungrate or so unnatural ever to wish her body harm, or to speak of her as was untruly reported of me, (howsoever the truth was in the self) and as to the preservation of her son, now my sovereign,

[y] Probably *adulterer*. [z] Probably *suspect*.

had moved me to enter into this cause, and that her own pressing was the occasion of that was uttered to her ——[a] whensoever God should move her heart to repent of her bypast behaviour and life, and after her known repentance, that she should be separate from that ungodly and unlawful marriage that she was entred in, and then after were joined with such a godly and honourable a personage, as were affectioned to the true religion, and whom we might trust, I could find in my heart to love her, and to shew her as great pleasure, favour, and good will, as ever I did in my life; and in case he should be that personage, there was none whom I could better like of, the queen —— in —— of England being made privy to the matter, and she allowing thereof, which being done, I should labour in all things that I could, to her honour and pleasure, that were not prejudicial to the king my sovereign's estate, and prayed him not to think otherwise of me, for my affection was rather buried and hidden within me, awaiting until God should direct her to know herself, than utterly alienated and abstracted from her; which he seemed to accept in very good part, saying, earl of Murray, thou thinks of me that thing, whereunto I will make none in England or Scotland privy, and thou hast Norfolk's life in thy hands. So departing, I came to my lodging, and by the way and all night, I was in continual thought and agitation of mind, how to behave myself in that weighty matter, first imagining whereunto this should tend, if it were attempted without the queen's majesty of England's knowledge and good will, this realm and I myself in particular having received such favour and comfort at her highness's hands, and this whole isle such peace and quietness, since God possessed her majesty with her crown. And on the other part, seeing the duke had disclosed him to me, protesting, none other were or should be privy to our speech, I tho't I could not find in my heart to utter any thing that might endanger him; moved to the uttermost with these cogitations, and all desire of sleep then removed, I prayed God to send me some good relief and outgate, to my discharge and satisfaction of my troubled mind, which I found indeed; for upon the morn, or within a day or two thereafter, I entred in conversation with my lord of Leicester, in his chamber at the court, where he began to find strange with me, that in the matter I made so difficult to him, standing so precisely on conferrence, and how when I had in my communication with the duke, come so far —— and there he made some discourse with me, about that which was talke betwixt us, I perceiving that the duke had ——[b] the matter to my lord of Leicester, and thinking me thereby discharged at the duke's hands, therefore I repeated the same communication in every point to my lord of Leicester, who desired me to show the same to the queen's majesty, which I refused to do, willing him if he tho't it might import her highness any thing, that he has one —— by her majesty, and for many benefits received at her highness's hands is obliged to wish her well,

[a] Probably *dishonour*.

[b] Probably *disclosed*.

should make declaration of the same to her majesty, as I understand by some speech of her highness to me, he did. This my declaration to the duke was the only cause, that staid the violence and trouble prepared for me unexecuted, as I have divers ways understood. The same declaration I was obliged to renew since in writings of ——— sent to my servant John Wood. The sum whereof, I trust, he showed the duke, and something also I wrote to himself, for it was tho't this should redeem some time, that the duke should not suddenly declare him our enemy, for his greatness was oft laid before me, and what friendship he had of the chief of the nobility in England, so that it might appear to the queen's majesty of England—so cold towards us, and doing nothing publickly that might seem favourable for us, we had some cause to suspect that her highness should not be contrarious to the marriage when it should be proposed to her. The sharp message sent by her majesty with the lord Boyd, who had the like commission from the duke tending so far to the said queen's preferment, as it were proposing one manner of conditions from both, gave us to think that her highness had been foreseen in the duke's design, and that she might be induced to allow thereof. But howbeit it was devised in England, that the lord of Lethington should come as from me, and break the matter to her highness, as her majesty in a letter declared that she looked for his coming, yet that devise proceeded never of me, nor the noblemen at the convention could no wise accord to his sending, nor allow of the matter motioned, but altogether misliked it, as bringing with the same great inconveniences to the surety and quietness of this whole isle; for our proceedings have declared our misliking and disallowance of the purpose from the beginning, and if we had pleased he was ready for the journey. And in likewise it was devised to give consent that the ———[c] between the said queen and Bothwell should be suffered to proceed in this realm, as it was desired by the said lord Boyd, by reason we could not understand what was the queen's majesty's pleasure, and allowance in that behalf ——— And whereas ye mean, that her highness was not made privy of any such intention, the fault was not in me. The first motion being declared, as I have written, to my lord of Leicester, and by him imparted to her majesty, so far as I could perceive by some speech of her highness's to me, before my departing. Thus I have plainly declared how I have been dealt withal for this marriage, and how just necessity moved me not to require directly, that which the duke appeared so ——— unto. And for my threatenings, to assent to the same, I have expressed the manner; the persons that laid the matter before me, were of my own company. But the duke since hath spoken, that it was his writing which saved my life at that time. In conclusion I pray you persuade her majesty, that she let no speeches nor any other thing passed and objected to my prejudice, move her majesty to alter her favour — towards me, or any ways to doubt of my assured

[c] Probably *divorce*.

constancy towards her highness; for in any thing which may tend to her honour and surety, I will, while I live, bestow myself, and all that will do for me, notwithstanding my hazard or danger, as proof shall declare, when her majesty finds time to employ me.

N°. XXXIV. Vol. II. Page 2.

WILLIAM MAITLAND OF LEDINGTON, TO MY LORD OF LEICESTER, MARCH 20TH, 1570, FROM LEDINGTON [d].

The great desolation threatened to this whole realm, be the divisions thereof in dangerous factions, doth press me to frame my letters to your lordship, in other sort, than were behovefull for me, if I had no other respect, but only to maintain my private credit; therefore I am driven to furnish them with matter, which I know not to be plausible, whereupon by misconstruing my meaning, some there may take occasion of offence, thinking that I rather utter my own passions, than go about to inform your lordship truly of the state; but I trust my plain dealing shall bear record to the sincerity of my meaning; to make the same sensible, I will lay before your lordship's eyes the plat of this country; which first is divided into two factions, the one pretending the maintenance of the king's reign, the other alledging the queen to have been cruelly dealt withall, and unjustly deprived of her state; the former is composed of a good number of nobility, gentlemen, and principal burroughs of the realme, who shall have, as Mr. Randolph beareth us in hand, the queen's majesty your sovereign's allowance and protection; the other hath in it some most principall of the nobility, and therewithall, good numbers of the inferior sort, throughout the whole realm, which also look assuredly that all kings do allow their quarrel and will aid them accordingly. What consequence this division will draw after it, I leave it to your lordship's consideration; there is fallen out another division, accedentally, by my lord regent's death, which is like to change the state of the other two factions, to increase the one and diminish the other, which is grounded upon the regiment of the realm. Some number of noblemen aspire to the government, pretending right thereto by reason of the queen's demission of the croun, and her commission granted at that time for the regiment during the king's minority; another faction doth altogether repine against that division, thinking it neither fit nor tolerable, that three or four of the meanest sort amongst the earls shall presume to challenge to themselves a rule over the whole realme, the next of the blood, the first in rank, the greatest alway both for the antientry of their houses, degree, and forces, being negleckted; this order they think preposterous, that the meaner sort shall be placed in public function to command, and the greater shall continue as private men to obey; besides that, they think if the commission had in the

[d] An original.

begining been valewable, (which the most part will not grant,) yet can it not be extended to the present, for that the conditions thereunto annexed are ceased, and so the effect of the whole void; the latter part of this division hath many pretences, for besides the queen's faction, which is wholly on that side, a great number of these that have heretofore professed the king's obedience, do favour the same, and will not yield to the government of the other, whose preferment for respects they mislike, when the queen's faction shall be increased, with a part of the king's, and these not of least substance, and yow may judge what is like to ensue; another incident is like to move men to enter in further discourses, it is given out here in Scotland that the queen's majesty is setting forth some forces towards the border, which shall enter this realm, to countenance these that aspire to the regiment, and suppress the contrary faction, and bruits are spread, that the same shall be here out of hand; these that think themselves of equal force with their contrary faction at home, or rather an overmatch to them, yet not able to encounter with the forces of another prince rather than yield to their inferiors, will, I fear, take advice of necessity, and evill councillors, and seek also the maintenance of some foreign prince, whereby her majesty (altho' no further inconvenient were to be feared) must be driven to excessive charges, and it would appear there were a conspiracy of all the elements at one time to set us together by the ears, for now, when the rumour of your forces coming towards the border is spread abroad, even at the same time is arrived at Dumbarton, a galzeon with a messenger sent expresly from the king of France, to that part of the nobility that favours the queen, to learn the state of the country, and what support they lack or desire, either for furtherance of her affairs, or for their own safety; assuredly this message will be well received, and suffered accordingly, this is the present state of Scotland. Now, if your lordship would also know my opinion, how to choice the best, as the case standeth; I will in that also satisfie your lordship I am required from them to deal plainly, and your lordship shall judge wither I do so or not; for I think it plain dealing, when I simply utter my judgement, and go not about to disguise my intents. I trust the queen's majesty hath a desire to retain at her devotion the realme of Scotland, which she hath gone about to purchase, with bestowing great charges, and the loss of some of her people; this desire is honourable for her highness, profitable for both the countreys, and of none to be disallowed; especially if it be (as I take it) to have the amity of the whole realm, for it is not a portion of Scotland can serve her turn, nor will it prove commodious for her to suit the friendship of a faction of Scotland, for in so doing, in gaining the best, she may lose the more, and the same would bring all her actions with us in suspicion, if she should go about to nourish factions amongst us, which meaning I am sure never entered into her majesty's heart; then if it be the friendship of the whole she doth demand, let her not, for pleasure of one part, go about to overthrow the remnant, which will not

be so faisable, as some may give her to understand; but rather by way of treaty, let her go about to pacify the whole state, bring the parties to an accord, reduce us all by good means to an uniformity, so shall she give us all occasion to think well of her doings, that she tendeth our wealth, and provoks us universally to wish unto her majesty a most prosperous continuance; by the contrary, if, for the pleasure of a few, she will send forces to suppress these whom they mislike, and so consequently offend many; men be not so faint hearted, but they have courage to provide for their own safty, and not only will embrace the means partly offered, but will also procure further at the hand of other princes. This, for mine own part, I do abhorr, and protest I desire never to see forces of strangers to set foot within this land, yet I know not what point necessity may drive men into, as if men in the middle of the sea were in a ship, which suddenly should be set on fire, the fear of burning would make them leap into the sea, and soon after the fear of the watter would drive them to cleive again to the fired ship, so for avoiding present evil, men will many times be inforced to have recourse to another, no less dangerous. Trust me, forces will not bring forth any good fruit to her majesty's behove, it must be some way of treaty shall serve the turn, wherein by my former letters your lordship doth know already what is my judgment; you see how plainly I do write, without consideration in what part my letters may be taken, yet my hope is that such as will favourably interpret them, shall think that I mean as well to her majesty and that realme, as these that will utter other language. I wish the continuance of the amity betwixt the two contrys, without other respect, and will not conceal from her majesty any thing, to my knowledge, tending to the prejudice thereof; if I shall perceave her majesty taking frank dealings in evil part, I shall from thenceforth forbear; in the mean season, I will not cease to trowble your lordship, as I shall have occasion to write, and so I take my leave of your lordship.

N°. XXXV. Vol. II. Page 7.

LETTER OF QUEEN ELISABETH TO THE EARLE OF SUSSEKS, JULY 2D, 1570[e].

Right-trusty and well-beloved cousin we greet you well; this day we have received your letters of 28 the last month, with all other letters, sent from Scotland, and mentioned in your letters, whereunto answer is desired to be given before the tenth of this month; which is a very short time, the weightiness of the matters, and the distance of the places considered; nevertheless we have, as the shortness could suffer it, resolved to give this answer following, which we will that yow, by warraud hereof, shall cause to be given in our name to the earl of Lennox and the rest of the

[e] Calderw. MS. History, vol. ii. p. 189.

noblemen conveened with him. Where it is by them, in their letters and writings alledg'd, that for lack of our resolute answer, concerning the establishing of the regiment of the realm, under their young king, great inconveniences have happened, and therefore they have deferred now at their last convention to determine of the samine, who shall have the place of governour, until the 21st this month, before which time they require to have our advise, in what person or persons the government of that realm shall be established, we accept very thankfull the goodwill and reputation they have of us, in yielding so frankly to require and follow our advise in a matter, that toucheth the state of their king, theirselves, and realm so near, wherein as we perceive that by our former forbearing to intermeddle therein, they have taken some discomfort, as though that we would not have regard to their state and surety, so on the other part, they of their wisdoms ought to think that it might be by the whole world evil interpreted in us to appoint them a form of government, or a governour by name, for that howsoever we should mean well if we should do so, yet it could not be without some jealousy in the heads of the estate, nobility, and community of that realm, that the government thereof should be by me specially named, and ordain'd; so as finding difficulty on both parts, and yet misliking most that they should take any discomfort by our forbearing to show our mind therein, we have thought in this sort for to proceed, considering with ourselves how now that realm had been a good space of time ruled in the name of their king, and by reason of his base age, governed heretofore by a very careful and honourable person, the earle of Murray, untill that by a mischievous person (an evil example) he was murdered, whereby great disorder and confusion of necessity had, and will more follow, if determination be not made of some other speciall person, or persons, to take the charge of governour, or superior ruler speciall for administration of law and justice, we cannot but very well allow the desire of these lords to have some speciall governour to be chosen; and therefore being well assured, that their own understanding of all others is best to consider the state of that realm, and to discern the abilities and qualities of every person meet and capable for such a charge, we shall better satisfie ourselves, whom they by their common consent shall first choose, and appoint to that purpose, then of any to be by us aforehand uncertainly named, and that because they shall perceave that we have care of the person of their king, who by nearness of blood, and in respect to his so young years, ought to be very tender and dear to us, we shall not hide our opinion from them, but if they shall all accord to name his grandfather, our cousin, the earl of Lennox, to be governour alone, or jointly with others, (whom we hear to be in the mean time by their common consent appointed lieutenant-general,) reason moveth us to think that none can be chosen in that whole realm, that shall more desire the preservation of the king, and be more meet to have the government for his safety, being next to him in blood of any nobleman of that

realm, or elsewhere; and yet hereby we do not mean to prescribe to them this choice, except they shall of themselves fully and freely allow thereof; furthermore we would have them well assured, that whatsoever reports of devises are, or shall be spread or invented, that we have already yielded our mind to alter the state of the king or government of that realm, the same are without just cause or ground by us given, for as we have already advertized them, that although we have yielded to hear, which in honour we could not refuse, what the queen of Scots on her part shall say and offer, not only for her own assurance, but for the wealth of that realm, yet not knowing what the same will be that shall be offered, we mean not to break the order of law and justice, by advancing her cause, or prejudging her contrary, before we shall delliberately and assuredly see, upon the hearing of the whole, some place necessary, and just cause to do; and therefore finding that realm ruled by a king, and the same affirmed by laws of that realm, and thereof invested by coronation and other solemnities used and requisite, and generally so received by the whole estates, we mean not by yielding to hear the complaints or informations of the queen against her son, to do any act whereby to make conclusion of governments, but as we have found it, so to suffer the same to continue, yea not to suffer it to be altered by any means that we may impeshe, as to our honour it doth belong, as by your late actions hath manifestly appeared, untill by some justice and clear cause, we shall be directly induced otherwise to declare our opinion; and this we would have them to know to be our determination and course that we mean to hold, whereon we trust they for their king may see how plainly and honourably we mean to proceed, and how little cause they have to doubt of us, whatsoever to the contrary they have or shall hear; and on the other part, we pray them of their wisdoms to think how unhonourable, and contrary to all human order it were for us, when the queen of Scotland doth so many ways require to hear her cause, and doth offer to be ordered be us in the same, as well for matters betwixt ourselves and her, as betwixt herself and her son and his party of that realm, against which offers no reason could move us to refuse to give ear, that we should aforehand openly and directly, before the causes be heard and considered, as it were, give a judgment or sentence either for ourselves or for them whom she maketh to be her contraries. Finally ye shall admonish them, that they do not, by misconceiving our good meaning toward them, or by indirect assertions of their adversary, grounded on untruths, hinder or weaken their own cause, in such sort, that our good meaning towards them shall not take such effect towards them, as they shall desire, or themselves have need of. All this our answer ye shall cause be given them, and let them know, that for the shortness of time, this being the end of the second of this month, we neither could make any longer declaration of our mind, nor yet write any several letters, as if time might have served we would have done. 2nd July 1570.

N°. XXXVI. Vol. II. Page 7.

THE BISHOP OF ROSS TO SECRETARY LIDINGTON FROM CHATTISWORTH[f].

I have received your letters dated the 26th of May, here at Chattisworth, the 10th of January, but on the receipt thereof I had written to you at length, like as the queen did with my lord Levingston, by which you will be resolved of many points contained in your said letter. I writ to you that I received your letter and credit from Thos. Cowy at London, and sent to Leicester to know the queen of England's mind, whether if you should come here or not. He sent me word that she will no ways have you come as one of the commissioners, because she is yet offended with you; and therefore it appears good that ye come not hither, but remain where you are, to use your wisdom and diligence, as may best advance the queen's affairs, for I perceive your weill and safety depends thereon, in respect to the great feid and ennimity born against you by your Scots people, and the great heirship taken of your father's landis; both were sure demonstrations of their malice. Yet I am encouraged by your stout and deliberate mind. Assure yourself no diligence shall be omitted to procure supports forth off all parts where it may be had. We will not refuse the aid neither of papist, Jew, nor gentil, after my advice; and to this end, during this treaty, let all things be well prepared. And seeing my lord Seaton is desirous to go into Flanders, the queen thinks it very necessary that he so do, for the duke d'Alva has gotten express command of the king of Spain to give support, and I am sure that there he shall have aid both of Flanders and the pope, for it abides only on the coming of some men of countenance, to procure and receive the same. He must needs tarry there, on the preparations thereof, during the treaty, which will be a great furtherance to the same here. The queen has already written to the duke d'Alva for this effect, advertizing of his coming; there is certain sums of money coming for support of the Englishmen, as I wrote to you before, from the pope. Whereupon I would he had a general commission to deal for them, and receive such sums as shall be given. The means shall be found to cause you be ansuerit of the sums you writ for, to be dispoisit upon the furnishing of the castle of Edinburgh, so being some honest and true man were sent to Flanders to receive it, as said is, which I would you prepared and sent. Orders shall be taken for the metals as you writ of. We have proponit your avyce in entring to treat with the queen of England, for retiring of her forces puntyally for lack of aid. Your answers to the Englishmen are tho't very good, but above all keep you weill out of their hands, in that case, estote prudentes sicut serpentes. You may take experience with the hard dealing with me, how ye would be used

[f] The 15th June, 1570.

if ye were here, and yet I am not forth of danger, being in medio nationis pravæ; alway no fear, with God's grace, shall make me shrink from her majesty's service. Since the queen of England has refused that you come here, it appears to me quod nondum est sedata malitia amorreorum, &c. and therefore if Athol or Cathenes might by any means be procured to come, they were the most fit for the purpose. Rothes were also meet, if he and I were not both of one sirname; so the treaty would get the less credit either in Scotland or here. Therefore avys, and send the best may serve the turn, and fail not Robert Melvil come with them, whoever comes, for so is the queen's pleasure; in my last packet, with James Fogo, to you, in the beginning of May, I sent a letter of the queen's own handwriting to him, which I trust ye received. I am sorry ye come not, for the great relief I hoped to have had by your presence, for you could well have handled the queen of England, after her humour, as you were wont to do. The rest I refer to your good wisdom, praying God to send you health. From Chattisworth the 15th of January.

N°. XXXVII. Vol. II. Page 24.

THE DECLARATION OF JOHN CAIS TO THE LORDS OF GRANGE AND LETHINGTON ZOUNGARE UPON THE 8TH DAY OF OCT. 1571.

Whereas you desire to know the queen's majesty's pleasure, what she will do for appeasing of these controversies, and therewith has offered yourselves to be at her commandment, touching the common tranquillity of the whole isle, and the amity of both realms; her pleasure is in this behalf, that ye should leave off the maintenance of this civil discord, and give your obedience to the king, whom she will maintain to the utmost of her power.

And in this doing, she will deal with the regent and the king's party to receive you into favour, upon reasonable conditions for security of life and livings.

Also she says that the queen of Scots, for that she has practised with the pope and other princes, and also with her own subjects in England, great and dangerous treasons against the state of her own country, and also to the destruction of her own person, that she shall never bear authority, nor have liberty while she lives.

If ye refuse these gentle offers, now offered unto you, she will presently aid the king's party, with men, ammunition, and all necessary things, to be had against you.

Whereupon her majesty requires your answer with speed, without any delay.

N°. XXXVIII. Vol. II. Page 34.

ARTICLES SENT BY KNOX TO THE GENERAL ASSEMBLY, AUGUST 5TH, 1572[g].

First, desiring a new act to be made ratifying all things concerning the king and his obedience that were enacted of before without any change, and that the ministers who have contraveend the former acts be corrected as accordeth.

That sute be made to the regent's grace and nobility maintaining the king's cause, that whatsoever proceedeth in this treaty of peace they be mindful the kirk be not prejudg'd thereby, in any sort, and they especially of the ministers that have been robbed of their possessions within the kirk during the time of the troubles, or otherwise dung and injured, may be restored.

To sute at the regent, that no gift of any bishoprick or other benefice be given to any person, contrary to the tenor of the acts made in the time of the first regent of good memory, and they that are given contrar the said acts, or to any unqualified person, may be revoked and made null by an act of secret council, and that all bishopricks so vacand may be presented, and qualified persons nominat thereunto, within a year after the vaking thereof, according to the order taken in Leith be the commissioners of the nobility and of the kirk in the month of January last, and in special to complain upon the giving of bishoprick of Ross to the lord Methven.

That no pentions or benefices, great or small, be given be simple donation of any lord regent, without consent of the possessor of the saids benefices having tittle thereto, and the admission of the superintendent or commissioners of the province where this benefice lyeth, or of the bishops lawfully elected according to the said order taken at Leith; and desire an act of council to be made thereupon, until the next parliament, wherein the samine may be specially inacted, with inhibition to the lords of session to give any letters or decreets, upon such simple gifts of benefices or pentions not being given in manner above rehearsed, and that the kirk presently assembled declare all such gifts null so far as lyeth in their power.

That the first form of presentation to benefices, which were in the first and second regent's time, be not chang'd as now it is commonly; but that this clause be contained in the presentation, that if the persons presented make not residence, or be slandrous or found unworthy either in life or doctrine be the judgment of the kirk (to which alwise he shall be subject) or meet to be transported to another room at the sight of the kirk, the said presentation and all that shall fall thereupon shall be null and of no force nor effect; and this to have place also in the nomination of the bishops.

That an act be made in this assembly that all things done in

[g] Calderw. MS. History, vol. ii. 356.

prejudice of the kirk's assumption of the third, either by papists or others, by giving of fews, liferents, or taks, or any otherwise disponing the said assumed thirds, be declared null with a solemn protestation the whole kirk disasenteth thereto.

That an act be made decerning and ordaining all bishops, admitted to the order of the kirk now received, to give account of their whole rents, and intromissions therewith once in the year, as the kirk shall appoint, for such causes as the kirk may easily consider the same to be most expedient and necessar.

Anent the jurisdiction of the kirk, that the same be determined in this assembly, because this article hath long been postponed to make sute to the regent and council for remedy against messengers and excommunicate persons.

Last, That orders be taken anent the procurers of the kirk, who procure against ministers and ministry, and for sutting of justice of the kirk's actions in the session.

N°. XXXIX. Vol. II. Page 39.

DECLARATION OF HENRY KILLIGREWE, ESQ. UPON THE PEACE CONCLUDED THE 23D FEB. 1572.

Be it known to all men, by these presents, that I, Henry Killigrewe, esq. ambassador for the queen's majesty of England, Forasmuch as, at the earnest motion and solicitation being made to me, on her highness's behalf, there is accord and pacification of the public troubles and civil war within this realm of Scotland agreed and concluded, and the same favourably extended towards the right honourable George earl of Huntly, lord Gordon and Baidzenoch, and the lord John Hamilton, son to the duke's grace of Chastellarault, and commendatour of the abby of Abirbrothock, for the surety of the lives, livings, honours, and goods of them, their kinfolks, friends, servants, and partakers, now properly depending on them; in treating of the which said pacification, the murders of the late earl of Murray uncle, and the earl of Levenax grandfather, late regent to the king's majesty of Scotland his realm and lieges, as also an article touching the discharge for the fructis or moveable goods, which the said persons have taken fra personis professing the king's obedience, before the damages done or committed by them, since the 15th day of Junij 1567, and before the penult day of July last by passed, by reason of the common cause or any thing depending thereupon, being thought by the king's commisaries matteris of such wecht and importance, as the king's present regent could not conveniently, of himself, remit or discharge the same. Yet in respect of the necessity of the present pacification, and for the weil of the king, and common quietness of this realm and lieges, it is accorded, that the matters of remission of the said murderers, and of the discharge of the said fructis, moveable goods, and other damages, be moved by the persons desiring the said remissions and discharge to the queen's majesty my sovereign, as to the princess nearest both in blood and habitation to the king of Scots. And whatsoever her majesty

shall advise and councel touching the said remission and discharge, the said lord regent, for the weil of the king and universal quietness of the realm of Scotland, shall perform, observe, and fullfil the same. And in likewise, the said earl Huntly, and commendatour of Abirbrothock, being urged to have delivered pledges and hostages for observation of the conditions of the said accord and pacification, hath required me in place thereof, in her majesty's name, by virtue of my commission, to promise for them, that they shall truly and faithfully observe and keep the said pacification, and all articles and conditions thereof, for their parts, and that it would please her majesty to interpose herself, as surety and cautioner for them to that effect, to the king's majesty of Scotland their sovereign and his said regent, which I have done and promise to do, by virtue of her majesty's commission, as by the honourable and plain dealing of the said earl and lord, their intention to peace well appears, the same being most agreeable to the mind of the queen's majesty my sovereign, which so long by her ministers hath travelled for the said pacification, and in the end, at her motion and solicitation, the same is accorded, knowing her majesty's godly desire, that the same may continue unviolate, and that the noblemen and others now returning to the king's obedience shall have sufficient surety for their lives, livings, honours, and goods. Therefore in her majesty's name, and by virtue of my commission, I promise to the aforesaid earl Huntly and commendatour of Abirbrothock, that by her majesty's good means, the said remission and discharge shall be purchased and obtained to them, their kinfolks, friends, servants, and partakers, now properly depending upon them, (the persons specified in the first abstinance always excepted,) as also that the said pacification shall be truly observed to them, and that her majesty shall interpose herself as conservatrix thereof, and endeavour herself to cause the same to be truly and sincerely kept in all points and articles thereof accordingly. In witness whereof I have to this present subscribed with my hand, and sealed the same with mine own seal the 13th day of Feb. anno domini 1572. And this to be performed by me, betwixt the date hereof, and the parliament which shall be appointed for their restitution, or at the furthest before the end of the said parliament. Sic subscribitur.

THE BISHOP OF GLASGOW'S NOTE CONCERNING THE QUEEN OF SCOTLAND'S DOWRY [h].

The queen of Scotland, dowager of France, had for her dowry, besides other possessions, the dukedom of Turene, which was solemnly contracted and given to her by the king and estates of parliament; which dukedom she possessed peacefully till 1576, and then, upon the pacification betwixt the king and mons. his brother, to augment whose appenage this dutchy was given, to

[h] 1576. Cott. Lib. Calig. b. 4.

which the queen of Scotland yielded upon account of princes, who were her near relations, provided the equivalent which was promised her should be faithfully performed. So that year, after a great many solicitations, in lieu of that dutchy, she had granted her the county of Vermandaise, with the lands and bailiwicks of Seuley and Vetry; tho' 'tis known that county and the other lands were not of equal value with Turene, but was promised to have an addition of lands in the neighbourhood to an equal value. Upon this letters patent were granted, which were confirmed in the courts of parliament, chamber of accompts, court of aids, chamber of the treasury, and others necessary: upon which she entered into possession of that county, &c. Afterwards, by a valuation of the commissioners of the chamber of accompts, it was found that the revenue of that county, &c. did not amount to those of Turene, by 3000 livres. But instead of making up this deficiency according to justice, some of the privy council, viz. M. de Cheverny, the presidents of Bellievre, Nicocholay, and St. Bonet, in the name of the king, notwithstanding of her aforesaid losses, did sell and alienate the lands of Senlis and the dutchy of Estaimpes, to madam de Montpensier, from whom the king received money; of which sale the counsellors aforesaid obliged themselves to be guarantees, which hath hindered the aforesaid queen to have justice done her. So that madam de Montpensier hath been put in possession of these lands of Senlis, contrary to all the declaration, protestation, and assurances of the king of France to queen Mary's ambassadors. So that the queen of Scotland is dispossessed of her dowry, contrary to all equity, without any regard to her quality.

N°. XL. Vol. II. Page 43.

A LETTER FROM THE LORD OF LOCHLEVIN TO THE REGENT MORTOUN[1].

It will please your grace, I received your grace's letter, and has considered the same. The parson of Camsey was here at me before the receit thereof, directed fra my lord of Mar, and the master anent my last written, which was the answer of the writing that the master sent to me, which I sent to your grace, desiring me to come to Stirling to confer with them. I had given my answer before the receit of your grace's letter, that I behuiffit to be besyd Sanct Androis, at ane friend's tryst, which I might not omit; I understand by my said cousin, that the king's majesty is to write to divers of the nobility to come there, anent your lordship's trial, and that he had written before his departing to my lord Monthrois, I understand likewise, he will write to your grace to come there for the same effect, which I tho't good to make your grace foreseen of the same, praying your grace, for the love of God Almighty, to look upon the best, and not to sleep in security, but to turn you with unfeigned heart to God, and to con-

[1] The 3d March 1577. E. of Mortoun's Archives. Bund. b. No. 19.

sider with yourself, that when the king's majesty was very young, God made him the instrument to divest his mother from her authority, who was natural princess, for offending of his divine majesty, and that there ran no vice in her, but that the same is as largely in you, except that your grace condescended not to the destruction of your wife. For as to harlotry and ambition, I think your grace has as far offended God, and far more in avaritiousness, which vyeis God never left unplagued, except speedy repentance, which I pray God grant to your grace, for otherwise your grace can never have the love of God nor man. I pray your grace flatter not yourself; for if your grace believes that ye have the good-will of them that are the king's good-willers, ye deceive yourself; for surely I see perfectly that your own particulars are not contented, lat be the rest and that most principally for your hard dealing. I pray your grace, beir with me that I am thus hamlie, for certainly it proceeds from no grudge, but from the very affection of my heart towards your grace, which has continued since we were acquainted. And now I see, because the matter stands in your grace's handling with the king's majesty, for certainly if your grace fall forth with him now, I see not how ye shall meet hereafter; pray I your grace to call to God, and look on the best, and cast from your grace both your vices, to wit, ambition and avaritiousness. I am riding this day to Sanct Androis, and trust to return on Wednesday at the farthest. If your grace will command me in any offices that are honest, that I may do your grace pleasure in at Stirling, advertise of your grace's mind, and shall do to my power and knowledge, and this with my heartlie, &c. &c.

TO OUR TRUSTY COUSIN THE LORD LOCHLEVEN[k].

Trusty cousin, after our most hearty commendations, we received your letter of the 3d of March, and as we take your plainness therein in good part, as proceeding from a friend and kinsman, in whose good affection towards us we never doubted, so ye may not think it strange that we purge ourselves so far of your accusation, as in conscience we find ourselves to have offended in. As touching our offence to God, we intend not to excuse it, but to submit us to his mercy; for ambition surely we think none can justly accuse us; for in our private estate we could, and can live as well contented, as any of our degree in Scotland, without further aspiring. The bearing too the charge of the government of the realm, indeed, mon lead us, or any other that shall occupy that place, not simply to respect ourself, but his majesty's rowme, which we supply, and therein not transcending the bounds of measure, as we trust, it shall not be found we have done, it ought not to be attributed to any ambition in us. For as soon as ever his majesty shall think himself ready and able for his own government, none shall more willingly gree and advance the same

[k] From the original. E. of Mortoun's Archives. Bund. b. No. 31.

nor I, since I think never to set my face against him, whose honour, safety, and preservation has been so dear unto me, nor I will never believe to find otherwise at his hand than favour, although all the unfriends I have in the earth were about him, to persuade him to the contrary. As we write unto you, our friendly dealing and confidence in the house of Mar is not thankfully acquit; as we trust yourself considers; but because the ambassadors of England, my lord of Angus, the chancellor, treasurer, and some noblemen rides west this day to see the king, we pray you heartily address yourself to be there as soon as ye can, and as ye shall find the likelihood of all things, let us be advertized thereof with your own advice, by Alex^r Hay, whom we have thought good to send west, seeing my lord of Angus from Stirling rides to Douglas. And so we commit you in the protection of God. At Holyrood house, the 4th of March, 1577.

For the avaritiousness laid to our charge, indeed it lies not in us so liberally to deal the king's geare, as to satisfy all cravers, nor never shall any sovereign and native born prince, let be any officer, eschew the disdains of such, as thinks them judges to their own reward; in many causes I doubt not to find the assistance of my friends, but where my actions shall appear unhonest, I will not crave their assistance, but let me bear my own burthen.

N°. XLI. Vol. II. Page 65.

Letter of Walsingham's to Randolph, February 3, 1580-1[1].

Sir,

I have received from my lord lieutenant the copy of your letter of the 25th of the last directed unto his lordship, containing a report of your negotiation with the king and his council, in your second audience, wherewith having made her majesty acquainted, she seemed somewhat to *mislike* that you should so long *defer to deal for the enlargement of* Empedocles. But I made answer in your behalf, that I thought you were directed by the advice of the said Empedocles *friends*, in the soliciting of that cause, who knew what time was fittest for you to take to deal therein, with most effect, and best success, with which answer, her majesty did in the end rest very well satisfied, touching that point.

Your putting of us in hope that d'Aubigny might easily be won at her majesty's devotion, was at first interpreted to have been ironie spoke by you. But since it seemeth you insist upon it, I could wish you were otherwise persuaded of the man, or at least kept that opinion to yourself, for considering the end and purpose of his coming into Scotland, as may be many ways sufficiently proved, was only to advance the queen's liberty, and reception into that government, to overthrow religion, and to procure a foreign match with Villenarius, wherein the inclosed copy, which you may use to good purpose there, shall partly give

[1] Cott. Lib. Calig. c. 6.

you some light; there is no man here can be persuaded that he will change his purpose for so small advantage as he is likely to find by it, and therefore you shall do well to forbear to harp any more upon that string, as I have already written to you. The prince of Orange sending, I fear will not be in time that it may do any good; for besides that these people are in themselves slow in their resolutions, their own affairs are, at present, so great, their state so confused, and the prince's authority so small, that he cannot so soon take order in it; and yet for mine own part, I have not been negligent or careless in the matter, having more than three weeks past sent one about it, from whom nevertheless I do yet hear nothing. The letters you desire should be written thither by the French ministers, I have given order to Mr. Killingrew to procure, who, I doubt not, will carefully perform it, so that, I hope, I shall have them to send you by the next. And so I commit you to God. At Whitehall, the 3d of February 1580.

Your very loving cousin and servant,

FRA. WALSINGHAM.

This letter is an original, and in some parts of it wrote in ciphers and explained by another hand. By Empedocles is understood Morton. By Villenarius, the king of Scots. D'Aubigny is marked thus o 1 o.

3 Feb. 1580.

SUNDRY NOTES GATHERED UPON GOOD DILIGENCE GIVEN, AND IN TIME TO BE BETTER MANIFESTED, BEING NOW THOUGHT MEET TO BE IN CONVENIENT SORT USED AND LAID AGAINST D'AUBIGNY, TO PROVE HIM ABUSING THE KING, THE NOBILITY, AND THAT STATE [m].

First, it hath been informed by credible means, that d'Aubigny was privy and acquainted with La Navé the king's mother's secretary, coming into Scotland, and of his errand there, tending chiefly to persuade the king, to think and esteem it an evil president for princes that subjects might have power to deprive their lawful sovereigns, as they did his mother, who was not minded, by any mean, to defeat him, either of the present government of that realm, or yet of the possession of the crown and inheritance thereof, but rather to assure the same to him: and that for the accomplishment of that assurance, the king should have been advised and drawn to have governed, for some short time, as prince, calling d'Aubigny to rule as governor of the prince, by commission from the queen his mother, until the king's enemies were suppressed; after which time d'Aubigny should have power given to establish and resign that kingdom to

[m] Cott. Lib. Calig. c. 6. An original.

the king, by his mother's voluntary consent, whereby all such, as had before been in action against the queen or her authority, might be brought to stand in the king's mercy. And for that the king might live in more surety, d'Aubigny should be declared both second person in succession of that crown, and also lieutenant general of Scotland, and that d'Aubigny before his departure out of France received commission from the king's mother to the effects remembered, or near the same. That in this behalf he had conference with the bishops of Glasgow and Ross, and with sir James Baford, with which persons, and with the duke of Guise, he had and hath frequent intelligence, and by sir James Baford he was advised to confer with the lord John Hamilton before his repair into Scotland, whereunto he agreed, and yet afterwards he sent one John Hamilton to the said lord John to excuse him in this part, alledging, that he did forbear to come to him, lest thereby he should marr or hinder greater effects to be executed by him in Scotland.

That before his coming into that realm, the nobility and country were well quieted and united in good concord, with great love betwixt the king and nobility, and amongst the noblesse, but he hath both drawn the king against sundry of the chiefest of his nobility, that have been most ready, and have expended their blood and possessions to preserve religion, and defend the king's person, his government and estate, and also hath given occasions of great suspicions and offence to be engendered betwixt the king and his nobility, and especially with such as have been in action against the king's mother, and her authority, who by force and means of the said commission and practice should have been brought into most dangerous condition; and who also may find themselves in no small perill while he possesses the king's ear, abuseth his presence, and holdeth such of the principal keys and ports of his realm, as he presently enjoyeth.

That he hath drawn the king not only to forget the great benefits done to him and his realme, by the queen's majesty of England, but also to requite the same with sundry signs of great unthankfulness and wounding therewith the honour of her majesty, and thereby hath adventured to shake the happy amity long time continued betwixt those princes.

And whereas these griefs were to be repaired by gentle letters and good offers, to have passed and been done betwixt them; in which respect the king and council having resolved to write to her majesty, for her highness better satisfaction in the late negotiation of Mr. Alexander Hume of Northberwick, had given order to the king's secretary to frame that letter: he minding to break the bond of amity in sunder, willed the secretary to be sure that nothing should be inserted in that letter whereby the king should crave any thing at her hands, seeking thereby to cut off all loving courtesies betwixt them, as by the declaration of the said secretary may be better learned, and thereupon further approved.

That under the hope and encouragement of d'Aubigny's protection, Alexander King presumed with that boldness to make his

lewd harangue, and by his means hath hitherto escaped chastisement and correction, due for his offence.

That sir James Baford, condemned of the slaughter of the king's father, hath been called into the realm by Lennox, without the privity of the king. And whereas the said sir James found in a green velvet desk, late the earl of Bothwell's, and saw and had in his hands the principal band of the conspirators in that murder, and can best declare and witness who were authors and executors of the same; he is drawn by Lennox to suppress the truth, and to accuse such as he himself knoweth to be innocent; and as by order of law will be so found, if they may have due trial, which, contrary to all justice, is by Lennox means denied.

This is the charge against d'Aubigny, mentioned in the foregoing letter by Walsingham; but by Baford they mean sir James Balfour.

N°. XLII. Vol. II. Page 80.

THE COPY OF THE KING OF FRANCE HIS DIRECTIONS SENT TO SCOTLAND WITH SEINEUR DE LA MOTTE FENELON. TRANSLATED OUT OF THE FRENCH[n].

First, on their majestys most christian part, he shall make the most honourable salutation and visiting to the most serene king of Scotland, their good brother and little son, that in him is possable.

To give him their letters that are closed, such and such like as they have written to him with their hands, and to show expressly the perfect friendship and singular affection, that their majestys bear to him, and to bring back the answer.

To take heed to the things which touch near the most serene king, to the effect that his person may be in no danger, but that it may be most surely preserved.

And that he be not hindered in the honest liberty that he ought to have, and that no greater or straiter guards be about him than he had before.

And such like, that he be not impeached in the authority, that God hath given to him of king and prince sovereign above his subjects, to the effect he may as freely ordain and command in his affairs, and in the affairs of his country, with his ordinary council, as he was used to do of before.

That his nobility, barons, and commonalty of his contry may have their free liberty to resort to his serene majesty without suspicion of greater guards or more armed men about his person than the use was, that they be not affraid and hindered to resort; and further that the segnieur de la Motte Fenelon sall liberally and freely speak to the said serene king and council, requiring the reestablising of that that may or hath been changed or altered.

[n] Calderw. MS. History, vol. iii. p. 208.

And that he may know if the principalls of the nobility and other men of good behaviour of the towns and commonality of the contry conveens, and are content with the form of government presently with the said serene king, to the end that if their be any miscontent he may travaile to agree them together, and that he return not without the certainty of the samine.

And if he may understand that there be any who have not used them so reverently towards the said serene king their sovereign lord, as the duty of their obedience required, that he may pray on this behalf of his majesty most christian the said serene king his good brother, giving him councill wholly to forget the same, and exhorting them to do their duty towards his majesty, in time coming, in all respects with the obedience and true subjection they ought him.

And if the said segnieur de la Motte perceves the said serene king to be in any manner constrained of his person, authority, liberty, and disposition of his affairs, than he used to be, and not convenient for his royal dignity, or as the sovereignty of a prince doth require, that he use all moyen lawful and honest to place him in the samine, and that he employ as much as the credit of his most christian majesty may do toward the nobility and subjects of that contry, and as much as may his name, with the name of his crown towards the Scottish nation, the which he loves and confides in as much as they were proper Frenchmen.

And that he wittness to the said serene king, and his estates, of his consent, and to all the nobility and principall personages of the contry, that his most christian majestie will continue on his part in the most ancient alliance and confederacy, which he hath had with the said serene king his good brother, praying his nobility and contry, with his principall subjects, to persevere in the samine, in all good understanding and friendship with him; the which, on his part, he shall do, observing the samine most inviolable.

Further his most christian majesty understanding that the serene king his good brother was contented with the duke of Lenox, and his servise, the said signieur de la Motte had charge to pray his serene majesty that he might remaine beside him to his contentment, believing that he should more willing intertain the points of love and confederace, betwixt their majestys and their contrys, because he was a good subject to them both; and if he might not remain, without some alteration of the tranquility of his estate, that he might retire him to his own house in the said contry, in surenes, or if he pleased to return to France that he might surely —— and if it pleases his serene majesty, to cause cease and stay the impeachments, that are made of new upon the frontiers, to the effect that the natural Frenchmen may enter as freely into the contry, as they were wont to do of before.

And that there may be no purpose of diffamation, nor no speech but honourable of the most christian king, in that contry, but such like as is spoken most honourably of the serene king of Scotland in France.

He had another head to propone, which he concealed till a little before his departure, to wit, that the queen, the king's mother, was content to receive her son in association of the kingdom.

N°. XLIII. Vol. II. Page 93.

LORD HUNSDANE TO SIR FRANCIS WALSINGHAM, THE 14TH OF AUGUST 1584, FROM BERWICK [o].

Sir,

According to my former letters, touching my meeting with the earle of Arran upon Wednesday last, there came hither to me from the earle, the justice clerk, and sir William Stuart, captain of Dumbarton, both of the king's privie councll, to treat with me about the order of our meeting, referring wholly to me to appoint the hour, and the number we should meet withal; so as we concluded the place to be Foulden, the hour to be ten o'clock, and the number with ourselves to be 13 of a side; and the rest of our troops to stand each of them a mile from the town; the one on the one side, the other on the other side, so as our troops were two miles asunder; I was not many horsemen, but I supplied it with footmen, where I had 100 shot on horse, but they were very near 500 horse well appointed: According to which appointment, we met yesterday, and after some congratulations, the earle fell in the like protestations of his good will and readiness to serve the queen's majesty, before any prince in the world, next his sovereign, as he had done heretofore by his letters, and rather more; with such earnest vows, as unless he be worse than a devil, her majesty may dispose of him at her pleasure; this being ended, I entered with him touching the cause I had to deal with him, and so near as I could, left nothing unrehearsed that I had to charge the king or him with any unkind dealing toward her majesty, according to my instructions, which without any delay he answered presently, as ye shall perceive by the said answers sent herewith; but I replying unto him, he amplified them with many moe circumstances, but to this effect: Then I dealt with him touching the point of her majesty's satisfaction, for the uttering such practices as has been lately set on foot for the disquieting of her majesty and her estate, who thereof made sundry discourses, what marriages have been offered to his majestie by sundrie princes, and by what means the earle has sought to divert them, and for what causes; the one, for that be marriage with Spain or France, he must also alter his religion, which as he is sure the king will never doe, so will he never suffer him to hearken unto it, so long as he hath any credit with him; he denys not but the king has been dealt withal be practices to deal against her majesty, which he has so far denied and refused to enter into, as they have left dealing therein, but whatsoever

[o] Calderw. MS. History, vol. iii. p. 374.

the king or he knoweth therein, there shall be nothing hidden from her majesty, as her majesty shall know very shortly; surely it seems by his speeches, that if the king would have yielded thereunto, there had been no small company of French in Scotland ere now to disquiet her majesty.——This being ended, I dealt with him earnestly for the stay of this parliament, which now approacheth; or at the least that there may be nothing done therein, to the prejudice of these noblemen and others now in England, for the forfaulting of their livings and goods: hereupon he made a long discourse to me, first of the earl of Angus dealing about the earl of Morton, then of his going out, notwithstanding of sundrie gracious offers the king had made him, then of the road of Ruthven, how that presently after they had the king's majesty in their hands, they imprisoned himself, dealt with the king for putting of the duke out of the realme, the king refused so to do, they told him plainly, that if he would not he should have the earl of Arran's head in a dish; the king asked what offence the earle had made? and they answered it must be so, and should be so; hereupon, for the safeguard of Arran's life, the king was content to send away the duke, and yet Arran afterwards sundrie times in danger of his life; I alledged unto him the king's letter to the queen's majesty, and his acts in council, that they had done nothing but for his servise, and with his good liking and contentment, who answered me, he durst do no otherwise, nor could not do any thing but that which pleased them, with such a number of other their dealings with the king whilest he was in their hands as are too long to be written, and too bad if they were true; I said the king might have let the queen's majesty's ambassador have known his mind secretly, and her majesty would have relieved him; he answered, that the king was not ignorant that the apprehensions in that manner proceeded from Mr. Bow's practice, and thereby durst not impart so much to him, and yet the king was content, and did give remission to as many as would acknowledge their faults, and ask remission, and such as would not, he thought fit to banish, to try their further loyalty, in which time they conspired the king's second apprehension, and the killing of the earle, and others, and seduced the ministers to their faction, and yet not satisfied with these conspiracies and treasonable dealings (as he terms them) are entered into a third, being in England under her majesty's protection to dishonour her majesty as far as in them lieth, or at least to cause the king conceive some unkindness in her majesty, for harbouring of them; I wrote to yow what the conspiracy was, the taking of the king, the killing of the earle of Arran, and some others, the taking of the castle of Edin^{r}, and bringing home the earles to take the charge of the king; all which (says he) is by Drummond confessed, and by the provost of Glencudden not greatly denied, and the constable of the castle thereupon fled; the earl brought Drummond with him as far as Langton, where he lay, to have confessed the conspiracy before me, but having at his lighting received a blow on his leg with a horse, so as he

could bring him no further, I replied that I thought verily they would not work any such practices in respect of the queen's majesty, abiding within her realme, and if there be any such practices, they have proceeded from others, and they not privie unto them: and that if it be not apparently proved against them, that it will be thought to be some practice to aggravate the fault, and to make them the more odious to the king. He answered me, that it should be proved so sufficiently, that they should not be able with truth to deny it, for their own hands is to be showed to part of it, and therefore concluded, that if her majesty should so press the king for them at this time that would rather hinder this matter of the amity, nor further it, and that since they seek chiefly his life, he could not, in any reason, seek to do them any good; and besides he assured me, that if he would, he dare not, this last matter being fallen out as it is; and surely if this matter had not fallen out, I would not have doubted the restoring of the earl of Mar very shortly, if her majesty would have employed me therein, but for the earl of Angus, I perceive the king is persuaded that both he, and the rest of the Douglasses, have conceived so mortall an hatred against him and the earl of Arran, about the death of the earl of Morton, as if they were at home, to-morrow next, they would not leave to practise and conspire the death of them both, and therefore a hard matter to do any thing for him: finally, he concluded and required me to assure her majesty from the king, that there shall nothing be hid from her, nor any thing left undone that may satisfie her majesty with reason, and that the king shall never do any thing, nor consent to have any thing done in her prejudice, so long as he had any credit with him, or authority under him. Having this far proceeded, he desired to show me his commission, which is under the great seal, to himself only, which is as large as may be, and yet sundrie of the privie councel there with him, but not one in commission, nor present, nor near us all this time, having spent almost five hours in these matters; he presented to me the master of Gray, who delivered to me a letter from the king in his commendation, whom I perceive the king means to send to her majesty, and therefore requires a safe-conduct for his passage, which I pray yow procure, and to send it so soon as you may. I let him understand of the lord Seaton's negociation with the French king. He swore to me, that Seaton was but a knave, and that it was partly against his will, that he should be sent thither. But his commission and instruction being of no great importance, he yielded the sooner; and if Seaton has gone beyond his instructions, which Arran drew himself, he will make Seaton smart for it. Touching William Newgate and Mark Golgan, he protested he never heard of any such; he says there was a little poor soul, with a black beard, come thither a-begging, who said he was an enemy to Desmond, to whom he gave a croun, but never heard of him since, and for any Scots man going into Ireland, he says there is no such matter; if there be, there may be some few raskals that he knows not of; and touching the coming of any

jesuits into Scotland, he says it is but the slanderous devise of the king's enemys, and such as would have the world believe the king were ready to revolt in religion, who the world shall well see will continue as constant therein, as what prince soever professed it most; and the earle himself dos protest to me, that to his knowledge, he never saw a jesuit in his life, and did assure me if there was any in Scotland, they should not do so much harm in Scotland, as their ministers would do, if they preach such doctrine as they did in Scotland; and touching one Ballanden, of whom I wrote to yow, I heard from Mr. Colvil, the earle avows constantly that he knows not, nor hath not heard of any such man, but he would inquire at the justice clerk, and would inform me what he could learn of that; thus I have made yow as short a discourse as I can of so many matters, so long discoursed upon, but these are the principal points of all our talk, so near as I can remember it, and for this time I commit yow to the Almighty. At Berwick the 14th of August, 1584.

The king is very desirous to have my son Robert Carrie to come to him. I pray yow know her majesty's pleasure.

ARRAN'S ANSWERS TO THE GRIEFFS OR ARTICLES PROPONED TO THE LORD HUNSDANE, SET DOWN IN ANOTHER FORM.

As to the strait and severe persecution of all such as have been noted to have been well affected to the queen's majesty, it cannot appear they were either for that cause punished, or hardly dealt with, since his majesty of late has been so careful and diligent to choice out good instruments to deal betwixt her majesty and him, as his majesty has done in electing of your lordship and me: besides that in all their accusations, their good will and affection born to her majesty was at no time laid to their charge, but capital actions of treason many way tried now be the whole three estates, and more than manifest to the world.

As for his majesty inhibiting, by public proclamation, such as were banished, not to repair in England; the bruits and whisperings that came to his majesty's ears of their conspiracies and treasons, which since syn they accomplished, so far as in them lay, moved his majesty to inhibit them to repair to any place, so near his majesty's realm, lest they should have attempted these things, which shortly they did attempt, being farther off, and more distant both by sea and land.

As for reception of jesuits, and others, her majesty's fugitives, and not delivering them according to his promise, as your lordship propones, his majesty would be most glad, that so it might fall out by your lordship's traviles, that no fugitive of either realme should be received of either, and when so shall be, it shall not fail on his majesty's part, albeit in very deed this time bygone his majesty has been constrained to receipt her majesty's mean rebells and fugitives, contrar his good naturall, since her majesty

hath receipt, in effect, the whole and greatest rebells and traitors his majesty in his own blood ever had; as for the agreement with his majesty's mother anent their association, his majesty has commanded me, in presence of your lordship's servant, to assure her majesty and your lordship, in his majesty's name, that it is altogether false, and an untruth, nor any such like matter done yet.

His majesty has also commanded me to assure your lordship, that it is also false and untrue, that his majesty has, by any means, direct or indirect, sent any message to the pope, or received any from him; or that his majesty has dealt with Spain or any foreigners, to harm her majesty or her realm, which his majesty could have no honour to do, this good intelligence taking place, as I hope in God it shall.

As concerning the contemptuous usage of her majesty's ministers sent unto his majesty, his majesty used none of them so, and if his majesty had, sufficient cause was given by them, as some of their own writs do yet testify; as I more particularly showed your lordship at Foulden at our late meeting.

N°. XLIV. Vol. II. Page 97.

THE SCOTTISH QUEEN'S OFFERS UPON THE EFFECT OF HER LIBERTY PROPOUNDED BY HER SECRETARY NAW, NOVEMBER, 1584[p].

The queen my mistress being once well assured of your majesty's amity.

1. Will declare openly that she will (as it is sincerely her meaning) straitly to join unto your majesty, and to the same to yield and bear the chief honour and respect, before all other kings and princes in christendom.

2. She will swear, and protest solemnly, a sincere forgetfullness of all wrongs which she may pretend to have been done unto her in this realm, and will never, in any sort or manner whatsoever, show offence for the same.

3. She will avow and acknowledge, as well in her own particular name, as also for her heirs and others descending of her for ever, your majesty, for just, true, and lawful queen of England.

4. And consequently will renounce, as well for herself as for her said heirs, all rights and pretences which she may claim to the crown of England, during your majesty's life, and other prejudice.

5. She will revoke all acts and shews, by her heretofore made, of pretence to this said crown to the prejudice of your majesty, as may be the taking of the arms and stile of queen of England, by the commandment of king Francis her late lord and husband.

6. She will renounce the pope's bull for so much as may be

[p] Cott. Lib. Calig. c. 8. A copy.

expounded to turn in her favour, or for her behoof, touching the deprivation of your majesty, and will declare that she will never help and serve herself with it.

7. She will not prosecute, during your majesty's life, by open force or otherways, any public declaration of her right in the succession of this realm, so as secret assurance be given unto her, or at the least public promise, that no deciding thereof shall be made in the prejudice of her, or of the king her son, during your majesty's life, nor after your decease, untill such time as they have been heard thereupon, in publick, free, and general assembly of the parliament of the said realm.

8. She will not practise, directly or indirectly, with any of your majesty's subjects, neither within nor out of your realm, any thing tending to war, civil or foreign, against your majesty and your estate, be it under pretext of religion, or for civil and politick government.

9. She will not maintain or support any of your subjects declared rebels, and convicted of treason against you.

10. She will enter into the association, which was showed her at Wingfield for the surety of your majesty's life, so as there be mended or right explicated some clauses which I will show to your majesty, when I shall have the copy thereof, as I have before time required.

11. She will not treat with foreign kings and princes, for any war or trouble against this state, and will renounce, from this time, all enterprises made or to be made in her favour for that respect.

12. Furthermore, this realm being assailed by any civil or foreign war, she will take part with your majesty, and will assist you in your defence with all her forces and means, depending of herself and with all her friends of christendom.

13. And to that effect, for the mutual defence and maintenance of your majesty, and the two realms of this isle, she will enter with your majesty in a league defensive as shall be more particularly advised, and will perswade as much as in her, the king her son to do the like. The leagues with all parts abroad remaining firm, and especially the antient league between France and Scotland, in that which shall not be against this present.

14. She will enter into a league offensive, having good assurance or secret declaration and acknowledgment of her right in the succession of this crown, and promise that happening any breach betwixt France and this realm, (which she prayeth God never to happen,) the just value of her dowry shall be placed for her in lands of the revenue of the crown.

15. For assurance of her promises and covenants, she doth offer to abide herself in this realm for a certain time, (better hostage can she not give than her own person,) which, so as she be kept in the liberty here before propounded, is not in case to escape secretly out of this country, in the sickly state she is in, and with the good order which your majesty can take therein.

16. And in case your majesty do agree to her full and whole deliverance, to retire herself at her will out of this realm, the said queen of Scots she will give sufficient hostage for such time as will be advised.

17. If she abide in this realm, she will promise not to depart out of it without your licence, so as it be promised unto her that her state, in such liberty as shall be accorded unto her, shall not be in any sort altered, untill after tryall to have attempted against your life, or other trouble of your estate.

18. If she go into Scotland, she will promise to alter nothing there in the religion which is now used there, she being suffered to have free exercise of hers, for her and her houshold, as it was at her return out of France; and further, to pull out every root of new division between the subjects, that none of the subjects of Scotland shall be sifted for his conscience, nor constrained to go to the service of the contrary religion.

19. She will grant a general abolition of all offences, done against her in Scotland, and things shall remain there as they are at this present, for that respect, saving that which hath been done against her honour, which she meaneth to have revoked and annulled.

20. She will travel to settle a sure and general reconciliation between the nobility of the country, and to cause to be appointed about the king her son, and in his council, such as shall be fit for the entertainment of the peace and quiet of the country, and the amity of the realm.

21. She will do her best to content your majesty, in favour of the Scots lords banished and refuged hither, upon their due submission to their princes, and your majesty's promise to assist the said queen and king of Scotland against them, if they happen to fall into their former faults.

22. She will proceed to the marriage of the king her son, with the advice and good council of your majesty.

23. As she will pass nothing without the king her son, so doth she desire that he intervene conjointly with her in this treaty, for the greater and perfecter assurance thereof; for otherwise any thing can hardly be established to be sound and continue.

24. The said Scotch queen trusteth, that the French king, her good brother, according to the good affection which he hath always showed her, and hath been afresh testified unto me by mons^{r}. de Mannissiere for this said treaty, will very willingly intervene, and will assist her for the surety of her promises.

25. And so will the princes of the house of Lorrain, following the will of the said king, will bind themselves therennto.

26. For other kings and princes of christendom, she will assay to obtain the like of them, if for greater solemnity and approbation of the treaty it be found to be necessary.

27. She doth desire a speedy answer, and final conclusion of the premisses, to the end to meet in time with all inconveniences.

28. And in the mean time, the more to strengthen the said treaty, as made by her of a pure and frank will, she desireth that demonstration be made of some releasement of her captivity.

OBJECTIONS AGAINST THE SCOTTISH QUEEN, UNDER SECRETARY WALSINGHAME'S HAND, NOVEMBER 1584.

The queen of Scots is ambitious, and standeth ill affected to her majesty, and therefore it cannot be but that her liberty should bring peril unto her majesty.

That her enlargement will give comfort to papists, and other ill affected subjects, and greatly advance the opinion had of her title as successor.

That as long as she shall be continued in her majesty's possession, she may serve as it were a gage of her majesty's surety, for that her friends, for fear of the danger she may be thrown into, in case any thing should be done in her favour, dare not attempt any thing in the offence of her majesty.

November 1584.

WHAT COURSE WERE FIT TO BE TAKEN WITH THE QUEEN OF SCOTS, EITHER TO BE ENLARGED OR NOT [9].

The course to be taken with the said queen may be considered of in three degrees; either,

1. To continue her under custody in that state she now is.
2. To restrain her of the present liberty she now hath.
3. Or to set her at liberty upon caution.

1. Touching the first, to continue her under custody in that state she now is; it is to be considered, that the princes that favour that queen, upon the complaint she maketh of hard usage, are greatly moved with commiseration towards her, and promise to do their endeavour for her liberty, for which purpose her ministers solicit them daily.

And to move them the more to pity her case, she acquainteth them with her offers made to her majesty, which appeared to be no less profitable than reasonable for her majesty, so as the refusal and rejecting giveth her friends and favourers cause to think her hardly dealt withal, and therefore may, with the better ground and reason, attempt somewhat for the setting of her at liberty.

It is also likely that the said queen, upon this refusal, finding her case desperate, will continue her practice under hand, both at home and abroad, not only for her delivery, but to obtain to the present possession of this crown upon her pretended title, as she hath hitherto done, as appeareth, and is most manifest by letters and plots intercepted, and chiefly by that late alteration of Scotland, which hath proceeded altogether by her direction,

[9] Cott. Lib. Cal. 8.

whereby a gap is laid open for the malice of all her majesty's enemies, so as it appeareth that this manner of keeping her, with such number of persons as she now hath, and with liberty to write and receive letters, (being duly considered,) is offensive to the princes, the said queen's friends; rather chargeable than profitable to her majesty; and subject to all such practices as may peril her majesty's person or estate, without any provision for her majesty's safety, and therefore no way to be liked of.

2. Touching the second, to restrain her in a more straighter degree of the liberty she hath hitherto enjoyed.

It may at first sight be thought a remedy very apt to stop the course of the dangerous practices fostered heretofore by her: for true it is that this remedy might prove very profitable, if the realm of Scotland stood in that sort devoted to her majesty, as few years past it did; and if the king of that realm were not likely, as well for the release of his mother, as for the advancement of both their pretended titles, to attempt somewhat against this realm and her majesty, wherein he should neither lack foreign assistance, nor a party here within this realm: but the king and that realm standing affected as they do, this restraint, instead of remedying, is likely to breed these inconveniences following:

First, It will increase the offence both in him, and in the rest of the princes her friends, that misliked of her restraint.

Secondly, It will give them just cause to take some way of redress.

Lastly, It is to be doubted, that it may provoke some desperate ill-disposed person, all hope of her liberty removed, to attempt somewhat against her majesty's own person, (a matter above all others to be weighed,) which inconveniency being duly considered, it will appear manifestly that the restraint, in a straighter degree, is likely to prove a remedy subject to very hard events.

The latter degree, whether it were fit to set the said queen at liberty, ministreth some cause of doubt, touching the manner of the liberty, in what sort the same is to be performed, whether to be continued here within the realm, or to be restored into her own country.

But first, this proposition, before the particularities be weighed, is to be considered in generality.

For it is very hard for a well-affected subject, that tendreth her majesty's surety, and weigheth either the nature of the Scottish queen, being inclined to ambition and revenge, or her former actions, what practices she hath set on foot most dangerous for her majesty and this realm, to allow of her liberty, being not made acquainted with such causes, as time hath wrought, to make it less perilous than it hath been, nor with such cautions as may, in some sort, be devised to prevent both her ambition and malice; and therefore to make this apparent,

It is to be considered, that the danger that was in the mother, is now grown to be in the son. He pretendeth the same title she doth: Such as do affect her, both at home and abroad, do affect

him; (and he is the more dangerous for that he is unmarried, which may greatly advance his fortune; and that he is a man, whereby he may enter into action in his own person;) where she is restrained, he is at liberty; his own realm is now altogether at his devotion, and the party affected to this crown abased; so as the matter duly considered, neither her liberty nor restraint doth greatly alter the case for perils towards her majesty, unless by such promises as may be made by way of treaty with her, the danger likely to grow from the king her son be provided for.

But in this behalf it may be objected, that so long as the mother remains in her majesty's hands, the king will attempt nothing for fear of his mother's peril.

To this objection it may be answered, first, That they hope that her majesty, being a prince of justice, and inclined to mercy, will not punish the mother for the son's offence, unless she shall be found, by good proof, culpable. Secondarily, That men will not be over hasty, considering in what predicament the king standeth touching his expectation of this crown, to advise any thing that in time future may be dangerous to the giver of such council as may reach to his mother's peril.

And lastly, The taking away of his mother, he being strong in the field through both foreign assistance, and a party here within the realm, will appear so weak a remedy, (which may rather exasperate both him and her party, to proceed with more courage and heat to revenge, if any such hard measure should be offered unto her,) as they will suppose, for the reason above specified, that no such extremity will be used.

It may also be objected, that the setting of her at liberty will greatly encourage the papists both at home and abroad; but herein, if the provision be duly considered, that may be made by parliament both here and there, they shall rather find cause of discomfort than otherwise.

These two doubts being resolved, and the perils that was in the mother appearing most manifestly to be seen in the son accompanied with more danger, with due consideration had also of such remedies as may be provided for the preventing of the dangers, that her liberty may minister just cause to doubt of; there will be good cause of hope found, that the same will rather breed benefit than perils.

Now it resteth, in what sort the said liberty shall be performed; if it shall be thought meet she shall be continued within the realm with some limitation, especially in that place where she now resideth, the country round about being so infected in religion as it is, it is greatly to be doubted that will very much increase the corruption, and falling away in that behalf. Besides, she should have commodity, with much more ease and speed, to entertain practices within this realm, than by being in her own country.

If abroad freely without limitation either in Scotland or France, then shall her majesty lose the gages of her safety, then shall she be at hand to give advice in furtherance of such practices, as have

been laid for to stir trouble in this realm, wherein she hath been a principal party.

For the first, it is answered before, that the respect of any perils that may befal unto her, will in no sort restrain her son. For the other, if it be considered what harm her advice will work unto herself, in respect of the violation of the treaty, and the provision that may be made in parliament here, it is to be thought, that she will then be well advised, before she attempt any such matter, which now she may do without perill. Besides such princes, as have interposed their faith and promise for her, cannot with honour assist her, wherein the French king will not be found very forward, who, in most friendly sort, hath lately rejected all such requests, propounded either by her, or her son's ministers, that might any way offend her majesty. And so to conclude, seeing the cause of her grief shall be taken away; the French king gratified, who is a mediator for her, and will mislike, that, by any Spanish practice, she should be drawn to violate her faith, that the rest of the princes shall have no just cause of offence, but rather to think honourably of her majesty considering the Scottish queen's carriage towards her, which hath deserved no way any such favour; the noblemen of Scotland shall be restored, who will be a good stay of such counsells as may tend to the troubling of this realm, especially having so good a ground of warrant as the parliament to stand unto; the charges and perills which her practices might have bred to this realm shall be avoided; and lastly, the hope of the papists shall be taken away, by such good provisions, as in both the realms may be made, whereby the perills that might fall into her majesty's own person (a matter of all others to be weighed) shall be avoided, when by the change that may grow by any such wicked and ungodly practice, they shall see their case no way relieved in point of religion.

REASONS TO INDUCE HER MAJESTY TO PROCEED IN THE TREATY UNDER SECRETARY WALSINGHAM'S HAND[r].

That such plots as have of late years been devised (tending to the raising of trouble within this relam) have grown from the Scots queen's ministers and favourers, not without her allowance and seeking: or,

That the means used by the said ministers, to induce princes to give ear to the said plots, is principally grounded upon some commiseration had of her restraint.

That the stay, why the said plots have not been put in execution, hath proceeded, for that the said princes have, for the most part, been entertained with home and domestic troubles.

That it is greatly to be doubted, that now their realms begin to be quiet, that somewhat will be attempted in her favour by the said princes.

[r] Cott. Lib. Cal. c 8.

That it is also to be doubted, that somewhat may be attempted by some of her fautors in an extraordinary sort, to the perill of her majesty.

That for the preservation thereof, it shall be convenient for her majesty to proceed to the finishing of the treaty, not long sithence begun between her and the said queen.

N°. XLV. Vol. II. Page 105.

LETTER OF Q. MARY TO Q. ELIZABETH [s].

Madame ma bonne seur,

M'asseurant que vous avez eu communication d'une lettre de Gray que vostre homme Semer me livra hier soubz le nom de mon filz y recongnoissant quasi de mot a la mot les mesmes raisons que le dit Gray m'escrivit en chifre estant dernierement pres de vous desmontrant la suffisance & bonne intention du personage je vous prieray seulement suivant ce que si devant je vous ay tant instantement importuné que vous me permettiez d'esclaircir librement et ouvertement ce point de l'association d'entre moy et mon filz et me dessier les mains pour proceder avec lui comme je jugeray estre requis pour son bien & le mien. Et j'entrependz quoy que l'on vous die & puisse en rapporter de faire mentir ce petit brouillon qui persuadé par aucuns de vos ministres a entrepis cette separation entre moy & mon enfant, & pour y commencer je vous supplie m'octroyer que je puisse parler a ce justice clerk qui vous a este nouvellement envoyé pour mander par luy a mon filz mon intention sur cela, ce qui je me promis que ne me refuserez, quant ce ne seroit que pour demontrer en effect la bonne intention que vous m'avez asseurée avoir a l'accord & entretien de naturel devoir entre la mere & l'enfant qui dit en bonnes termes estre empesché pour vous me tenant captive en un desert ce que vous ne pourrez mieux desmentir & faire paroitre vostre bon desir a notre union que me donnant les moyens d'y proceder, & non m'en retenir et empescher comme aucun de vos ministres pretendent a fin de laisser toujours lieu a leur mauvais & sinistres practiques entre nous. La lettre porte que l'association n'est pas passée, aussi ne luy ai je jamais dit, bienque mon filz avoit accepté ; & que nous en avions convenu ensemble, comme l'acte signé de sa main, & ces lettres tant a moy, que en France en font foy, ayant donné ce meme temoinage de sa bouche propre a plusieurs ambassadeurs et personnes de credit, s'excusant de ne l'oser faire publier par craint de vous seulement, demandant forces pour vous resister d'avant de se declarer si ouvertement estant journellement persuadé au contraire par vos ministres qui luy promettoyent avecque une entreire a Yorck le faire declairer votre heretier. Au surplus madame quand mon enfant seroit si malheureux que de s'opiniastrer en cette extreme impieté & ingratitude vers moy, je ne puis penser que vous non plus qu'au-

[s] Cott. Lib. Col. b. 8. fol. 147. An original.

cun aultre prince de la Chretienté, le voulissiez en cela applaudir ou meintenir pour luy fayre acquerir ma malediction ains que plutos *introviendrez* pour luy faire recongnoitre la raison trop juste & evidant devant Dieu & les hommes. Helas & encores ne luy vouloier j'en oster, mays donner avec droit ce qu'il tient par usurpation. Je me suis du tout commise a vous, & fidelement faites si il vous plest que je ne en soye pis qu'aupravant, & que le faulsete des uns ne prevale desvant la verite vers vous, pour bien recevant mal, & la plus grande affliction que me scaurroit arriver a scavoir la perte de mon fils. Je vous supplie de me mander en cas qu'il persiste en cette mesconnoissance de son devoir, que de luy ou de moy il vous plaist advouer pour legittime Roy ou Royne d'Ecosse, & si vous aves agreable de poursuivre avec moy a part la traité commencé entre nous de quoy je vous requiers sans plus attendre de responce de ce mal gouverné enfant vous en requerrant avec autant d'affection que je sens mon cœur oppressé d'ennuy. Pour Dieu souvenez vous de la promesse que m'avez faites de me prendre en votre protection me rapportant de tout a vous & sur ce priant Dieu qu'il vous viueille preserver de touts vos ennemys & dissimulez amys, comme je le desire de me consoler & de me venger de ceulz qui pourchassent un tel malheur entre la mere & l'enfant. Je cesseray de vous troubler, mais non a m'ennuier que je ne recoive quelque consolation de vous & de Dieu: encore un coup je le supplie de vous garder de tout peril. Futhbery XII Mars.

Votre fidelement vouée sœur
et obeissante cousine,
MARIE Q.

A la Reyne d'Angleterre
madame ma bonne sœur &
cousine.

N°. XLVI. Vol. II. Page 105.

A TESTAMENT BY Q. MARY[t].

N. B. The following paper was transcribed by the Rev^d. Mr. Crawford, late regius professor of church history, in the university of Edinburgh. Part of this paper, according to him, is written by Naué, Mary's secretary, the rest with the queen's own hand. What is marked (") is in the queen's hand.

Considerant par ma condition presente l'estat de vie humaine, si incertain, que personne ne s'en peust, ou doibt asseurer, sinnon soubs la grande et infinie misericorde de Dieu. Et me voulant prevaloir d'icelle contre tous les dangers et accidens, qui me pourroient inopinement survenir en cette captivité, mesmes a cause des grandes et longues maladies, ou j'ay eté detenné jusques a present; j'ay advisé tandis que j'ay la commodité, ou raison en jugement, de pourvoir apres ma mort la salut de mon ame, enterrement de mon corps, et disposition de mon bien, estat, & af-

[t] Cott. Lib. Vespas. l. 16. p. 415.

faires, par ce present mon testament et ordonnance de mon dernier volonté, qui s'ensuyt.

Au nom du Pere, du Filz, et du benoite S^t^. Esprit. Premierement, me recongnoissant indigne pecheresse avec plus d'offences envers mon Dieu, que de satisfaction par toutes les adversites que j'ay souffert ; dont je la loue sa bonté. Et m'appûyant sur la croix de mon Sauveur et Redempteur Jesus Christ, Je recommende mon ame a la benoiste et individue Trinité, et aux prieres de la glorieuse Vierge Marie, et de tous les anges saincts & sainctes de paradis, esperant par leurs merites & intercession, estre aydée a obtenir de estre faicte participante avec eulx de felicité eternelle. Et pour m'y acheminer de cueur plus net et entier despouillant des a present tout resentiment des injures, calomnies, rebellions, et aultres offenses, qui me pourroient avoir esté factes durant ma vie, par mes subjets rebelles et aultres ennemis ; J'en retriet la vengeance a Dieu, & le supplie leur pardonner, de mesme affection, que je luy requiers pardons a mes faultes, et a tous ceuls et celles que je puis avoir offensé de faicts ou de parolles.

Je veulx et ordonne, etc. [*The two following paragraphs contain directions concerning the place and circumstance of her burial.*]

Pour ne contrevenir a la gloire, honneur, et conservation de l'Eglise catholique, apostolique et Romaine, en la quelle je veulx vivre et mourir, si le prince d'Escosse mon filz y puest etre reduiet contre la mauvaise nourriture, qu'il a prise a mon tres grand regret en l'heresie de Calvin entre mes rebelles, je le laisse seul et unique heretier de mon royaume d'Escosse, de droict que je pretende justement en la couronne d'Angleterre et pays qui en dependent, et generallement de tous et chacun mes meubles et immeubles qui resteront apres ma mort, et execution de ce present testament.

Si non, et que mon dit filz continue a vivre en la dite heresie, Je cede, transporte, et faicte don " de touts et chacuns mes droicts, que je pretende & puis pretendre a la couronne d'Angleterre, et aultres droicts, seignenries, ou royaulmes en dependanz, au roy catholique, ou aultre de siens qu'il luy plaira, avesques advis, consentement de sa sainteté ; tant pour le voyr aujourdhuy le seul seurs appui de la religion catholique, que pour reconnoissance de gratuites faveurs que moy, et les miens recommandez par moy, ont avons receu de luy en ma plus grand necessité ; et resguard aussi au droict que luy mesme peut pretendre a ces ditz royaulmes et pays, je le supplie qu'il recompence il preign alliance, de la maison de Lorraine, et si il ce peult de celle de Guise, pour memoire de la race de laquelle je suis sortie au coste de Mere, n'a ayant de celuy de mon pere, que mon seul enfant, lequel estant Catholique j'ay tousjours voué pour une de ses filles, si il luy plaisoit de l'accepter, ou faillant une de ses niepces mariée comme sa fille.

" Je laysse mon filz a la protection du roy, de prince, et ducs de Lorrayne et de Guise, et du Mayne, aux quelz je recom-

mende et son estat en Escosse, et mon droict en Angleterre, si il est catholique, et quelle le parlie de ceste royne."

Je faitz don au "Compte de Lenox" de Compté de Lenox tenu par feu son pere, et commande mon filtz, comme mon heretier et successeur, d'obeyr en cest en droit a mon volonté.

Je veulx et ordonne toutes les sommes et deniers, qui se troveront par moys deues, tien mis cause de droict estre faits "a Lohliven" etre promptement payée et acquittés, et tout tort et griefs reparés par lesdits executeurs desquelz J'en charge la conscience. Oultre, &c. [*Follow two or three paragraphs concerning particular legacies, and then is added*] Faict au manior de Sheffeld en Angleterre le jour de —— Mil cinq cens soixant & dix sept.

After a large blank page follows in the queen's hand:

"Si mon filz meurt, au comte de Lenox, au Claude Hamilton lequel se montrera le plus fidelle vers moy, et plus constant en religion, au jugement de——Ducs de Lorraine et de Guyse, ou je le rapport sur ce de ceulx a que j'auray donnay la charge de trayter avesque eux de par moy et ceulx, a condition de se marrier ou allier en la dite mayson ou par leur advis."

Follow near two pages of particular legacies.

"Et le remets ma tante de Lenox au droict quelle peut pretendre a la conté d'Angous avant l'acort fait par mon commandement entre ma dite tante de Lenox et le comte de Morton, veu qu'il a esté fait & par le feu roy mon mary et moy, sur la promesse de sa fidelle assistance, si luy et moy encourions dangier et besoing d'ayde, ce qu'il rompit, s'entendant secretement au les nos ennemis rebelles, qu'attemtprient contre sa vie, et pour cest effect pris les armes, et ont porté les banieres desploieës, contre nous, je revoque aussi toute autre don que je luy ay fait de conté de Morton sur promesses de ses bons services a advenir, et entends que la dite conté soit reunie a la couronne, si ell se trouve y partenir, comme ses trahisons tant en la mort de mon feu Mary, que en mon banissement, et poursuit de la mien ne l'ont meritè. Et defends a mon filz de se jamays servire de luy pour de luy pour la hayne qu'il aye a ses parents, la quelle je crains ne s'estende jusques a luy, le connoissant du tout affectionné aux ennemis de mon droite en ce royaume, du quel il est pencionnaire.

"Je recommende mon nepveu Francois Stuart a mon filz, et luy commande de tenir pres de luy et s'enservir, et je luy laisse le bien du conte de Boduel son oncle, en respect qu'il est de mon sang, mon filluel, et ma esté laissé en lutelle par son pere.

"Je declare que mon frere bastard Robert abbé de St. Croix n'a eu que par circonvention Orkenay, et que le ne fut jamays mon intention, comme il apret par la revocation que j'ay fayte depuys, et eté aussi faite d'avant la asge de xxv ans, ce que j'aimois deliberer si il ne m'eussent prenner par prison de se de defayre aulx estats je veulx donc que Orkenay soit reune a la couronne comme une de plus necessaires pour mon filz, & sans mayson ne pourra etre bien tenue.

" Les filles de Morra ne parvient accessi heriter, ains revient la conté a la Couronne, si il luy plest luy donner sa ou fille en marriasge, et il nome l'en sienne ligne."

N°. XLVII. Vol. II. Page 114.

A LETTER FROM MR. ARCHIBALD DOUGLAS TO THE QUEEN OF SCOTS[u].

Please your majesty, I received your letter of the date of the 12th of Novr. and in like manner has seen some part of the contents of one other of the same date, directed to mons^r. de Movisir, ambassador for his majesty the most christian king, both which are agreeable to your princely dignity, as by the one your highness desires to know the trnë cause of my banishment, and offers unto me all favour if I shall be innocent of the heinous acts committed in the person of your husband of good memory, so by the other the said ambassador is willed to declare unto me, if your husband's murder could be laid justly against me, that you could not solicit in my cause, neither yet for any person that was participant of that execrable fact, bnt would seek the revenge thereof, when you shonld have any means to do it; your majesty's offer, if I be innocent of that crime, is most favourable, and your desire to know the truth of the same is most equitable; and therefore that I shonld with all my simplicity, sincerity, and truth, answer thereunto is most reasonable, to the end that your princely dignity may be my help, if my innocence shall sufficiently appear, and procure my condemnation if I be culpable in any matter, except in the knowledge of the evil disposed minds of the most part of your nobility against your said husband, and not revealing of it; which I am assured was sufficiently known to himself, and to all that had jndgment never so little in that realm; which also I was constrained to understand, as he, that was specially employed betwixt the earl Morton, and a good number of your nobility, that they might with all humility intercede at your majesty's hand for his relief, in such matters as are more specially contained in the declaration following, which I am constrained for my own justification, by this letter to call to your majesty's remembrance. Notwithstanding that I am assured, to my grief, the reading thereof will not smally offend your princely mind. It may please your majesty to remember, that in the year of God 1566, the said earl of Morton, with divers other nobility and gent. were declared rebels to your majesty, and banished your realm for insolent murder committed in your majesty's own chamber, which they alledged was done by command of your husband, who notwithstanding affirmed that he was compelled by them to subscribe the warrant given for that effect, howsoever the truth of that matter remains amongst them, it appertains not to me at this time to be curions; true it is that I was one of that number, that heavily

[u] April ——. Harl. Lib. 37. b. 9. fol. 126.

offended against your majesty, and passed in France the time of our banishment, at the desire of the rest, to humbly pray your brother the most christian king to intercede that our offences might be pardoned, and your majesty's clemency extended towards us, albeit divers of no small reputation, in that realm, was of the opinion, that the said fact merited neither to be requisite for, nor yet pardoned. Always such was the careful mind of his majesty towards the quietness of that realm, that the dealing in that cause was committed to monsr. de Movisir, who was directed at that time to go into Scotland, to congratulate the happy birth of your son, whom Almighty God of his goodness may long preserve in happy estate, and perpetual felicity; the careful travail of the said de Movisir was so effectual, and your majesty's mind so inclined to mercy, that within short space thereafter, I was permitted to repair in Scotland, to deal with earls Murray, Athol, Bodwell, Arguile, and secretary Ledington, in the name and behalf of the said earl Morton, lords Reven, Lindsay, and remanent complesis, that they might make offer in the names of the said earl of any matter that might satisfy your majesty's wrath, and procure your clemency to be extended in their favours; at my coming to them, after I had opened the effect of my message, they declared that the marriage betwixt you and your husband had been the occasion already of great evil in that realm; and if your husband should be suffered to follow the appetite and mind of such as was about him, that kind of dealing might produce with time worse effects; for helping of such inconvenience that might fall out by that kind of dealing, they had thought it convenient to join themselves in league and band with some other noblemen, resolved to obey your majesty as their natural sovereign, and have nothing to do with your husband's command whatsoever, if the said earl would for himself enter into that band and confederacy with them, they could be content to humbly request and travel by all means with your majesty for his pardon, but, before they could any farther proceed, they desired to know the said earl's mind herein; when I had answered, that he nor his friends, at my departure, could not know that any such like matter would be proponit, and therefore was not instructed what to answer therein, they desired that I should return sufficiently instructed in this matter to Sterling, before the baptism of your son, whom God might preserve; this message was faithfully delivered to me at Newcastle in England, where the said earl then remained, in presence of his friends and company, where they all condescended to have no farther dealing with your husband, and to enter into the said band. With this deliberation I returned to Sterling, where, at the request of the most christian king and the queen's majesty of England, by their ambassadors present, your majesty's gracious pardon was granted unto them all, under condition always that they should remain banished forth of the realm, the space of two years, and farther during your majesty's pleasure, which limitation was after mitigated at the humble request of your own nobility, so that immediately

after the said earl of Morton repaired into Scotland to Quhittingaime, where the earl of Bodvell and secretary Ledington come to him; what speech passed there amongst them, as God shall be my judge, I knew nothing at that time, but at their departure I was requested by the said earl Morton to accompany the earl Bodvell and secretary to Edenburgh, and to return with such answer as they should obtain of your majesty, which being given to me by the said persons, as God shall be my judge, was no other than these words, "Schaw to the earl Morton that the queen will hear no speech of that matter appointed unto him:" when I crafit that the answer might be made more sensible, secretary Ledington said, that the earl would sufficiently understand it, albeit few or none at that time understand what passed amongst them. It is known to all men, als veill be railling letters passed betwixt the said earl and Ledington when they become in divers factions, as also ane buck sett furth by the ministers, wherein they affirm that the earl of Morton has confessed to them, before his death, that the earl Bodvell come to Quhittingaime to prepon the calling away off the king your husband, to the which proposition the said earl of Morton affirms that he could give no answer unto such time he might know your majesty's mind therein, which he never received. As to the abominable murder, it is known too by the depositions of many persons that were executed to the death for the committing thereof, that the same was executed by them, and at the command of such of the nobility as had subscrivit band for that effect; by this unpleasant declaration, the most part thereof known to yourself, and the remainder may be understood by the aforesaid witnesses that was examined in torture, and that are extant in the custody of the ordinary judges in Scotland, my innocency, so far as may concern any fact, does appear sufficiently to your majesty. And as for my dealing aforesaid, I can be no otherwise charged therein, but as what would accuse the vessel that preserves the vine from harm, for the intemperancy of such as immoderately use the same. As for the special cause of my banishment, I think the same as proceeded upon ane opinion conceived, that I was able to accuse the earl of Morton of so much matter as they alledge himself to have confessed before he died, and would not be induced, for loss of reputation, to perform any part thereof. If this be the occasion of my trouble, as I suppose it is, what punishment I should deserve, I remit me to your majesty's better judgment, who well knows how careful ever ilk gentleman should be of his fame, reputation, and honour, and how far ever ilk man should abhor the name of a pultroun, and how indecent it would have been of me to accuse the earl of Morton, being so near of his kin, notwithstanding all the injuries I was constrained to receive at his hand all the time of his government, and for no other cause, but for shewing of particular friendship to particular friends in the time of the last cruel troubles in Scotland. Sorry I be now to accuse him in any matter being dead, and more sorry that being on lyff, be such kind of dealing obtained that name of Ingrate. Always for my own part

I have been banished my native country those three years and four months, living in anxiety of mind, my holl guds in Scotland, which were not small, intermittit and disponit upon, and has continually since the time I was relieved out of my last troubles at the desire of monsr. de Movisir, attended to know your majesty's pleasure, and to wait upon what service it should please your majesty for to command. Upon the 8th of April inst. your good friend secretary Walsinghame has declared unto me, that her highness tho't it expedient that I should retire myself where I pleased, I declared unto him I had no means whereby I might perform that desire, until such time as I should receive it from your majesty. Neither knew I where it would please your highness to direct me, until such time as I should have received further information from you. Upon this occasion, and partly by permission, I have taken the hardress to write this present letter, whereby your majesty may understand any part of my troubles past, and straight present. As to my intention future, I will never deny that I am fully resolved to spend the rest of my days in your majesty's service, and the king your son's, wheresoever I shall be directed by your majesty, and for the better performing thereof, if so shall be her majesty's pleasure, to recommend the tryal of my innocency, and examination of the verity of the preceding narration, to the king your son, with request that I may be pardoned for such offences as concerned your majesty's service, and var common to all men the time of his les aige and perdonit to all, except to me, I should be the bearer thereof myself, and be directed in whatsoever service it should please your majesty for to command. Most humble I beseech your majesty to consider hereof, and to be so gracious as to give order, that I may have means to serve your majesty according to the sincerity of my meaning, and so expecting your majesty's answer, after the kissing your hand with all humility, I take leave from London.

No. XLVIII. Vol. II. Page 121.

A LETTER FROM SIR AMIAS PAWLET [x].

Sir,

I did forbear, according to your direction signified in your letters of the fourth of this present, to proceed to the execution of the contents of Mr. Waade's letters unto you, for the dispersing of this lady's unnecessary servants, and for the ceasing of her money, wherein I was bold to write unto you my simple opinion, (although in vain as it now falleth out,) by my letters of the 7th of this instant, which, I doubt not, are with you before this time; but upon the receipt of your letters of the 5th, which came not unto my hands until the 8th in the evening, by reason, as did appear by indorsement, that they had been mistaken, and were sent back to Windsor, after they were entered into the way

[x] Original. Cal. c. 9.

towards me, I considered, that being accompanied only with my own servants, it might be thought that they would be intreated to say as I would command them; and therefore I thought good, for my better discharge in these money matters, to crave the assistance of Mr. Richard Bagott, who repairing unto me the next morning, we had access to this queen, whom we found in her bed, troubled after the old manner with a defluxion, which was fallen down into the side of her neck, and had bereft her of the use of one of her hands, unto whom I declared, that upon occasion of her former practices, doubting lest she would persist therein by corrupting underhand some bad members of this state, I was expresly commanded to take her money into my hands, and to rest answerable for it, when it shall be required; advising her to deliver the said money unto me with quietness. After many denials, many exclamations, and many bitter words against you, (I say nothing of her railing against myself,) with flat affirmation that her majesty might have her body, but her heart she should never have, refusing to deliver the key of the cabinet, I called my servants, and sent for barrs to break open the door, whereupon she yielded, and causing the door to be opened, I found there in the coffers, mentioned in Mr. Waade's remembrance, five rolls of canvass, containing five thousand French crowns, and two leather bags, whereof the one had, in gold, one hundred and four pounds two shillings, and the other had three pounds in silver, which bag of silver was left with her, affirming that she had no more money in this house, and that she was indebted to her servants for their wages. Mr. Waade's note maketh mention of 3 rolls left in Curle's chamber[y], wherein, no doubt, he was misreckoned, which is evident as well by the testimonies and oaths of diverse persons, as also by probable conjectures; so as in truth we found only two rolls, every of which containeth one thousand crowns, which was this queen's guifte to Curle's wife at her marriage. There is found in Naw's chamber, in a cabinet, a chain worth, by estimation, one hundred pounds, and in money, in one bag nine hundred pounds, in a second bag two hundred fourscore and six pounds eighteen shillings. All the foresaid parcels of money are bestowed in bags, and sealed by Mr. Richard Bagott, saving five hundred pounds of Naw's money, which I reserve in my hands, for the use of this houshold, and may be repayed at London, where her majesty shall appoint, out of the money received lately by one of my servants, out of the exchequer. I feared lest the people might have dispersed this money in all this time, or have hidden the same in some secret corners; for doubt whereof I had caused all this queen's family, from the highest to the lowest, to be guarded in the several places where I found them, so as yff I had not found the money with quietness, I had been forced to have searched first all their lodgings, and then their own persons. I thank God with all my heart, as for a singular blessing, that that falleth out so well,

[y] Curle can tell you the truth of this matter.

fearing lest a contrary success might have moved some hard conceits in her majesty.

Touching the dispersing of this queen's servants, I trust I have done so much, as may suffice to satisfy her majesty for the time, wherein I could not take any absolute course, until I heard again from you, partly because her majesty, by Mr. Waade's letter, doth refer to your consideration to return such as shall be discharged to their several dwellings and countries, wherein, as it seemeth, you have forgotten to deliver your opinion; partly, for that as yet, I have received no answer from you of your resolution, upon the view of the Scottish family sent unto you, what persons you will appoint to be dismist; only this I have done, I have bestowed all such as are mentioned in this bill, inclosed in three or four several rooms, as the same may suffice to contain them, and that their meat and drink shall be brought unto them by my servants. It may please you, to advertise me by your next letters, in what sort, and for what course, I shall make their passports, as also, if they shall say that they are unpaid of their wages, what I shall do therein[z]. Yt it is said that they have been accustomed to be paid of their wages at christmas, for the whole year. Her majesty's charge will be somewhat diminished by the departure of this people, and my charge by this occasion will be the more easy. But the persons, all save Bastian, are such silly and simple souls, as there was no great cause to fear their practices, and upon this ground I was of opinion, in my former letters, that all this dismissed train should have followed their mistress until the next remove, and there to have been discharged upon the sudden, for doubt that the said remove might be delayed, yf she did fear, or expect any hard measure.

Others shall excuse their foolish pity as they may; but, for my part, I renunce my part of the joys of heaven, yf in any thing that I have said, written, or done, I have had any other respect than the furtherance of her majesty's service; and so I shall most earnestly pray you to affirm for me, as likewise for the not seasing of the money by Mr. Manners, the other commissioners, and myself. I trust Mr. Waade hath answered, in all humble duties, for the whole company, that no one of us did so much as think that our commission reaching only to the papers, we might be bold to touch the money, so as there was no speech of that all to my knowledge, and as you know I was no commissioner in this search, but had my hands full at Tyxall, discreet servants are not hastily to deal in great matters, without warrant, and especially where the cause is such as the delay of it carrieth no danger.

Your advertisement of that happy remove hath been greatly comfortable unto me. I will not say, in respect of myself, because my private interest hath no measure of comparison with her

[z] This lady hath good store of money at present in the French ambassador's hands.

majesty's safety, and with the quiet of this realm. God grant a happy and speedy yssue to these good and godly counsels; and so I commit you to his merciful protection. From Chartley, the 10th of September 1586.

N°. XLIX. Vol. II. Page 132.

LETTER FROM THE KING OF SCOTS TO MR. ARCHIBALD DOUGLAS, HIS AMBASSADOR IN ENGLAND, OCTOBER 1586[a].

Reserve up yourself na langer in the earnest dealing for my mother, for ye have done it too long; and think not that any your travellis can do goode if hir lyfe be takin, for then adeu with my dealing with thaime that are the special instrumentis thairof; and theirfore, gif ye looke for the contineuance of my favour towartis you, spair na pains nor plainnes in this cace, but reade my letter wrettin to Williame Keith, and conform yourself quhollie to the contentis thairof, and in this requeist let me reap the fruictis of youre great credit there, ather now or never. Fairwell. October 1586.

LETTER TO SIR WILLIAM KEITH, AMBASSADOR IN ENGLAND, PROBABLY FROM SECRETARY MAITLAND. NOV. 27, 1586[b].

By your letters sent by this bearer, (albeit concerning no pleasant subject,) his majesty conceives well of your earnestness and fidelity in your negotiations, as also of Mr. Archibald's activity and diligence, whom you so greatly praise and recommend, I wish the issue correspond to his majesty's opinion, your care and travell, and his great diligence as you write. His majesty takes this rigorous proceeding against his mother deeply in heart, as a matter greatly concerning him both in honour and otherwise. His highnesses actions and behaviour utter plainly not only how far nature prevails, but also how he apprehends of the sequel of that process, and of what moment he esteems it. There is an ambassade shortly to be directed, wherein will be employed an earl and two counsellors, on whose answer will depend the continuance or dissolution of the amity and good intelligence between the princes of this isle. In the mean season, if farther extremity be used, and his majesty's suit and request disdained, his highness will think himself dishonoured and contemned far besides his expectation and deserts. Ye may perceive his majesty's disposition by his letter to you, which you shall impart to Mr. Archibald, and both deal according thereto. I need not to recommend to you care, concerning your master's service both in weill and in honour. As you and your colleague shall behave yourself in this behalf, so for my own part will I interpret your affection to your master. I am glad of that I hear

[a] Cott. Lib. Calig. c. 9. An original in the king's hand.
[b] A copy in the collect. of sir A. Dick. vol. a. fol. 219.

of yourself, and I do fully credit that you write of Mr. Archibald, whose friends here make great account of his professed devotion to the queen, besides the duty he owes to the king's majesty her son. Farther I am constrained to remit to next occasion, having scarce time to scribble these few lines (which of themselves may bear witness of my haste.) Wishing you a prosperous issue of your negociation, I commit you, etc. Halyrudhouse, Novr. 27th, 1586.

The people, and all estates here are so far moved by the rigorous proceedings against the queen, that his majesty, and all that have credit are importuned, and may not go abroad for exclamations against them, and imprecations against the queen of England.

N°. L. Vol. II. Page 134.

TO THE KING'S MAJESTY, FROM MR. ARCHIBALD DOUGLAS[c].

Please your majesty, I received your letter of the date the 28th of September, the 5th of October, which was the same day that I directed W^m. Murray towards your highness; by such letters as he carried, and others of several dates, your majesty may perceive that I had omitted nothing so far as my travel might reach unto, anent the performing of the two chief points contained in the said letter befor the receipt thereof, which by these presents I must repeat for answering of the saidis. As to the first, so far as may concern the interceeding for the queen your majesty's mother her life, I have divers times, and in every audience, travelled with this queen in that matter, specially to know what her full determination must be in that point, and could never bring her to any further answer, but that this proceding against her by order of justice was no less against her mind, than against their will that loved her best: as towards her life she could give no answer thereunto, untill such time as the law hath declared whether she was innocent or guilty. Herewithal it was her pleasure thus far to inform me, that it was a number of the associants that earnestly pressed her that the law might proceed against her, giving reasons that so long as she was suffered to deal in matters, so long would never this realm be in quiet, neither her life, neither this state in assurance, and in the end they used this protestation, that if she would not in this matter follow their advice, that they should remain without all blame whatsoever should fall out; whereupon she had granted them liberty to proceed, lest such as had made the request might hereafter have charged herself with inconvenience if any should happen.

And by myself I know this her speech to be true, because both papist and protestant has behaved them, as it hath been her pleasure to declare, but upon divers respects, the one to avoid

[c] The 16th of October, 1586. From the original in the collect. of sir A. Dick. vol. b. fol. 324.

suspicion that otherwise was conceived against them, the other upon zeal, and care that they will be known to have for preservation of their sovereign's life and state in this perilous time, upon consideration whereof, I have been constrained to enter into some dealing with both, wherewith I made her majesty acquainted; the protestants, and such as in other matters will be known to bear no small favour unto your majesty's service, hath prayed that they may be excused from any dealing in the contrary of that, which by their oath they have avowed, and by their speech to their sovereign requested for, and that before my coming in this country; if they should now otherwise do, it would produce no better effect but to make them subject to the accusation of their sovereign, when it should please her to do it, of their inconstancy, in giving councell whereby they might incur the danger of ill councellors, and be consequent worthy of punishment. Such of the papists as I did deal with, went immediately, and told her majesty what I had spoken to them, who albeit she understood the matter of before, sent for me, and declared to me my own speech that I had uttered to them, willing me for the weil of my maister's service to abstain from dealing with such, as were not yet sufficiently moved to think of my master as she did. I craved leave of her majesty, that I might inform them of your majesty's late behaviour towards her, and the state of this realm, whereunto, with some difficulty, she gave her consent. At my late departure from court, which was upon the 5th of this instant, and the day after that the lords of this grand jury had taken their leaves of her majesty to go northward to Fothringham, it was her pleasure to promise to have further speech in this matter at the returning of the said lords, and to give full answer according to your majesty's contentment to the remainder matters, that I had proponit in name of your majesty. As to the 2d part concerning the association, and desire that the promise made to the master of Gray concerning your majesty's title may be fulfilled; it appears by the said letter, that the very point whereupon the question that may bring your majesty's title in doubt, hath not been rightly at the writing of the said letter considered, which I take to have proceeded for lack of reading of the act of parliament, wherein is fulfilled all the promise made by the queen to the said master, and nothing may now cause any doubt to arise against your said title, except that an opinion should be conceived by these lords of this parliament that are so vehement at this time against the queen your majesty's mother, that your majesty is, or may be proved hereafter assenting to her proceedings, and some that love your majesty's service were of that opinion that too earnest request might move a ground whereupon suspicions might grow in men so ill affected in that matter, which I tho't might be helped by obtaining of a declaration in parliament of your majesty's innocence at this time, and by reason that good nature and public honesty would constrain you to intercede for the queen your mother, which would carry with itself, without any further, some suspicion that might move ill affected men to doubt. In my for-

mer letters I humbly craved of your majesty that some learned men in the laws might be moved to advise with the words of the association, and the mitigation contained in the act of parliament, and withall to advise what suspicious effects your majesty's request might work in these choleric men at this time, and how their minds might be best moved to receive reason ; and upon all these considerations they might have formed the words of a declarator of your majesty's innocence to be obtained in this parliament, and failing thereof, the very words of a protestation for the same effect that might best serve for your majesty's service, and for my better information. Albeit this was my simple opinion, I shall be contented to follow any direction it shall please your majesty to give ; I have already opened the substance hereof to the queen of this realm, who seems not to be offended herewith, and hath granted liberty to deal therein with such of the parliament as may remain in any doubt of mind. This being the sum of my proceedings in this matter, besides the remainder, contained in other letters of several dates, I am constrained to lay the whole open before your majesty, and to humbly pray that full information may be sent unto me what further to do herein ; in this middle time, while I shall receive more ample direction I shall proceed and be doing according to such direction as I have already received. And so, most gracious sovereign, wishing unto your majesty all happy success in your affairs, I humbly take my leave from London, this 16th of October, 1586. Your majesty's most humble subject and obed^{t} servant.

A MEMORIAL FOR HIS MAJESTY BY THE MASTER OF GRAY[d].

It will please your majesty I have tho't meeter to set down all things as they occur, and all advertisements as they came to my ears, then jointly in a lettre.

I came to Vare the 24th of Decr. and sent to W^{m}. Keith and Mr. Archibald Douglas to advertise the queen of it, like as they did at their audience. She promised the queen your majesty's mother's life should be spared till we were heard. The 27th they came to Vare to me, the which day sir Robt. came to Vare, where they showed us how far they had already gone in their negociation, but for that the discourse of it is set down in our general letter, I remit me to it, only this far I will testify unto your majesty that W^{m}. Keith hath used himself right honestly and wisely till our coming, respecting all circumstances, and chiefly his colleague his dealing, which indeed is not better than your majesty knows already.

The 29th day of Decr. we came to London, where we were no ways friendly received, nor after the honest sort it had pleased your majesty use her ambassadors; never man sent to welcome or convey us. The same day we understood of Mr. de Bellievre

[d] The 12th of January, 1586. An original in his own hand in the collect. of sir A. Dick. vol. a. fol. 222.

his leave taking, and for that the custom permitted not we sent our excuses by Mr. George Young.

The 1st day of Jan^ry. W^m. Keith and his colleague, according to the custom, sent to crave our audience. We received the answer contained in the general letter, and could not have answer till the 6th day, what was done that day your majesty has it in the general, yet we was not out of esperance at that time, albeit we received hard answers.

The 8th day we speak with the earl of Leicester, where our conferrence was, as it is set down in the general. I remarked this, that he that day said plainly the detaining of the queen of Scotland prisoner was for that she pretended a succession to this crown. Judge then by this what is tho't of your majesty, as ye shall hear a little after.

The 9th day we speak with the French ambassador, whom we find very plain in making to us a wise discourse of all his proceedings, and Mr. de Bellievre we thanked him in your majesty's name, and opened such things as we had to treat with this queen, save the last point, as more largely set down by our general.

It is tho't here, and some friends of your majesty's advised me, that Bellievre his negociation was not effectual, and that the resident was not privy to it, as indeed I think is true, for since Bellievre his perting, there is a talk of this Chasteauneuf his servants taken with his whole papers and pacquets, which he was sending in France, for that they charge him with a conspiracy of late against the queen here her life. It is alleged his servant has confessed the matter, but whom I thall trust I know not, but till I see proof I shall account him an honest man, for indeed so he appears, and one (without doubt) who hath been very instant in this matter. I show him that the queen and earl of Leicester had desired to speak with me in private, and craved his opinion; he gave it freely that he tho't it meetest, I shew him the reason why I communicate that to him, for that I had been suspected by some of her majesty's friends in France to have done evil offices in her service, that he should be my witness that my earnest dealing in this should be a sufficient testimony that all was lies, and that this knave Naué, who now had betrayed her, had in that done evil offices: ye desired me, seeing she saw only with other folks eyes, that I should no ways impute it to her, for the like she had done to himself by Naué his persuasion. I answered he should be my witness in that.

The 9th day we sent to court to crave audience, which we got the 10th day; at the first, she said a thing long looked for should be welcome when it comes, I would now see your master's offers. I answered, no man makes offers but for some 'cause; we would, and like your majesty, first know the cause to be extant for which we offer, and likewise that it be extant till your majesty has heard us. I think it be extant yet, but I will not promise for an hour, but you think to shift in that sort. I answered, we mind not to shift, but to offer from our sovereign all things that with reason may be; and in special, we offered as is set down in our

general, all was refused and tho't nothing. She called on the three that were in the house, the earl of Leicester, my lord admiral, and chamberlain, and very despitefully repeated all our offers in presence of them all. I opened the last part, and said, madam, for what respect is it that men deal against your person or estate for her cause? She answered, because they think she shall succeed to me, and for that she is a papist; appearingly said I both the causes may be removed, she said she would be glad to understand it. If, madam, said I, all that she has of right of succession were in the king our sovereign's person, were not all hope of papists removed? She answered, I hope so. Then, madam, I think the queen his mother shall willingly demit all her rights in his person. She answered, she hath no right, for she is declared unhabil. Then I said, if she have no right, appearingly the hope ceases already, so that it is not to be feared that any man attempt for her. The queen answered, but the papists allow not our declaration; then let it fall, says I, in the king's person by her assignation. The earl of Leicester answered, she is a prisoner, how can she demit? I answered, the demission is to her son, by the advice of all the friends she has in Europe, and in case, as God forbid, that any attempt cuttis the queen here away, who shall party with her to prove the demission or assignation to be ineffectual, her son being opposite party, and having all the princes her friends for him, having bonded for the efficacy of it with his majesty of before? The queen made as she could not comprehend my meaning, and sir Robt. opened the matter again, she yet made as tho' she understood not. So the earl of Leicester answered that our meaning was, that the king should be put in his mother's place. Is it so, the queen answered, then I put myself in a worse case than of before: by God's passion, that were to cut my own throat, and for a dutchy or an earldom to yourself, you or such as you would cause some of your desperate knaves kill me. No, by God, he shall never be in that place. I answered, he craves nothing of your majesty but only of his mother. The earl of Leicester answered, that were to make him party to the queen my mistress. I said, he will be far more party, if he be in her place through her death. She would stay no longer, but said she would not have a worse in his mother's place. And said, tell your king what good I have done for him in holding the crown on his head since he was born, and that I mind to keep the league that now stands between us, and if he break it shall be a double fault, and with this minded to have bidden us a farewell; but we achevit [i. e. finished arguing upon this point.] And I spake craving of her that her life may be spared for 15 days; she refused. Sir Robt. craved for only eight days; she said, not for an hour; and so geid her away. Your majesty sees we have delivered all we had for offers, but all is for nothing, for she and her councel has laid a determination that they mind to follow forth, and I see it comes rather of her council than herself, which I like the worse; for without doubt, sir, it shall cut off all friendship ye had here.

Altho' it were that once they had meaned well to your majesty, yet remembring themselves, that they have medled with your mother's blood, good faith they cannot hope great good of yourself, a thing in truth I am sorry for; further your majesty may perceive by this last discourse of that I proponit, if they had meaned well to your majesty they had used it otherwise than they have done, for reason has bound them. But I dare not write all. I mind something to speak in this matter, because we look shurly our letters shall be trussit by the way.

For that I see private credit nor no means can alter their determination, altho' the queen again and the earl of Leicester has desired to speak with me in particular; I mind not to speak, nor shall not; but assuredly shall let all men see that I in particular was no ways tyed to England, but for the respect of your majesty's service. So albeit, at this time I could not effectuate that I desired, yet my upright dealing in it shall be manifested to the world. We are, God willing, then to crave audience, where we mind to use sharply our instructions, which hitherto we have used very calmly; for we can, for your honour's cause, say no less for your majesty, than the French ambassador has said for his master.

So I pray your majesty consider my upright dealing in your service, and not the effect; for had it been doable [i. e. possible to be done] by any I might have here had credit; but being I came only for that cause, I will not my credit shall serve here to any further purpose. I pray God preserve your majesty, and send you a true and sincere friendship. From London this 12th of Jan. 1586.

I understand the queen is to send one of her own to your majesty.

TO THE RIGHT HON. MY LORD VICE-CHANCELLOR AND SECRETARY TO HIS MAJESTY, FROM THE MASTER OF GRAY[e].

My lord, I send you these lines with this inclosed to his majesty, whereby your lordship shall understand how matters goes here. And before all things I pray your lordship move his majesty to respect my diligence, and not the effect in this negotiation, for I swear if it had been for the crown of England to myself I could do no more, and let not unfriends have advantage of me, for the world shall see that I loved England for his majesty's service only. I look shortly to find your lordship friend as ye made promise, and by God I shall be to you if I can. W^m. Keith and I devyset, if matters had gone well, to have run a course that your lordship might have here been in credit and others disappointed, but now I will do for you as for myself; which is to care for no credit here, for in conscience they mean not honestly to the king our sovereign, and if they may, he will

[e] The 12th of Jan. 1586. An original in the collect. of sir A. Dick. vol. a. fol. 179.

go the get his mother is gone, or shortly to go, therefore my lord, without all kind of scruple I pray you to advise him the best is not this way. They say here, that it has been said by one who heard it from you, that ye desired not the king and England to agree, because it would rack the noblemen, and gave an example of it by king James the fourt. I answered in your name that I was assured you never had spoken it. Mr. Archibald is the speaker of it, who I assure your lordship has been a poison in this matter, for they lean very mickle to his opinion. He cares not he says, for at length the king will be fain to deal this way, either by fair means or necessity, so that when he deals this course he is assured to be welcome; to set down all that is past of the like purposes, it would consume more paper than I have here, so I defer it to meeting. There is a new conspiracy alledged against the queen to have been intended, for the French ambassador resident three of his men taken, but I think in the end it shall prove nothing. Mr. Stafford, who is ambassador for this queen in France, is touched with it, his brother is taken here, always it has done this harm in our negotiation, that all this council would not move this queen to medle with the queen of Scotland's blood, till this invention was found forth. I remit all other things to the inclosed. We minded to have sent to his majesty a discourse, which we have set down of all our proceedings since our hither coming, but we are surely advertized that the bearer is to be trussed by the way for our pacquets, so that we defer it till our own coming; this I have put in a privy part beside the pacquet. We shall, I think, take leave on Fryday the 13th day, where we mind exactly to follow the rigour of our instructions, for it cannot stand with the king's honour that we say less than the French ambassador, which was, Le roy mon maistre ne peult moins faire que se resentir. So that about the 24th I think we shall, God willing, be at home, except that some stay come which we look not for. The queen and the earl of Leicester has desired to speak with me. I refused save in presence of my colleagues, by reason I see a determination which particular credit cannot help, and I crave no credit but for that cause. It will please your lordship retire the inclosed from his majesty and keep it. So after my service commended to yourself and bedfellow, I commit you to God. From London the 12th of Jan. 1586.

TO THE KING'S MAJESTY, FROM SIR ROBERT MELVIL[f].

It may please your majesty, since the direction of our former letters, we had audience, and her majesty appeared to take our overtures in good part in presence of her council; albeit no offers could take place with them, having taken resolution to proceed with extremity, not the less it pleased her majesty to desire us to

[f] The 20th of Jan. 1586. An original in his own hand, in the collect. of sir A. Dick. vol. a. fol. 181.

stay for two days on taking our leave, until she had advised upon our propositions; since which time, her majesty is become more hard by some letters (as we are informed) has come from Scotland, making some hope to believe that your majesty takes not this matter to heart, as we know the contrary in effect, and had of before removed the like opinion out of her majesty's mind, which by sinister information was credited, their reports has hindered our commission, and abused this queen, fearing in like manner we shall be stayed until answer come from Scotland by such person as they have intelligence of. And albeit that it will be well enough known to all men how heavily your majesty takes this proceeding to heart, the truth is, that they have by this occasion so persuaded the queen, that it is like to hinder our negotiation. As also Alchinder (i. e. Alexander) Steward is to be directed in their party, by our knowledge, who has awantyt more of his credit, than I believe he may perform, and we willed him to desist from this dealing, saying it does harm, and he is not meet for that purpose, remitting to your majesty's good discretion to take order herein as we shall be answerable to your majesty not to omit any point we have in charge, as the truth is, the master of Grhaye has behaved himself very uprightly and discreetly in this charge, and evil tayne with be divers in these parts who were of before his friends. We have been behalding to the menstrals who has born us best company, but has not been troubled with others. Wylzeme Kethe hath left nothing undone that he had in charge. As for master Archibald he has promised at all times to do his dewoyr, wherein he shall find true report made to your majesty, craving pardon of your majesty that I have been so tedious, after I have kissed your majesty's hand I humbly take my leave. Praying God to grant your majesty many good days and happy, in whose protection I commit your majesty at London, the 20th of Jan. 1586.

Sir,

Albeit master George has not been in commission, he is not inferior in his service to any of us, as well by his good advice and diligent care he takes for the advancement of your service, wherein we have not been a little furthered.

TO THE KING'S MAJESTY, FROM THE MASTER OF GRAY AND SIR ROBERT MELVIL [g].

Please it your majesty in the last audience we had, since our last advertisement by W^m. Murray, we find her majesty at the resuming our offers something mitigated, and inclined to consider more deeply of them, before we got our leave, at our reasoning, certain of the council, namely, my lord of Leicester, sir Christopher Haton, my lord Hunsdon, and my lord Hawart being pre-

[g] The 21st of Jan. 1586. An original in the collect. of sir A. Dick. vol. a. fol. 180.

sent in the chamber, gave little show of any great contentment to have her from her former resolution, now cassin in perplexitie what she should do always we left her in that state, and since have daily pressed conference with the whole council, which to this hour we have not yet obtained. This day we have sent down to crave our leave. The greatest hinder which our negotiation has found hitherto is a persuasion they have here that either your majesty deals superficially in this matter, or that with time ye may be moved to digest it, which when with great difficulty we had expugnit, we find anew that certain letters written to them of late from Scotland has found some place of credit with them in our contrare. So that resolving now to clear them of that doubt by a special message, they have made choice of sir Alexander Stewart to try your highness's meaning in it, and to persuade your majesty to like of their proceedings, wherefrom no terror we can say out unto him is able to divert him, he has given out that he has credit with your majesty, and that he doubts not to help this matter at your highness's hand. If he come there that errand, we think your majesty will not oversee the great disgrace that his attempts shall give us here, if he be not tane order with before that he be further heard, and if so be that any other be directed (as our intelligence gives us there shall) our humble suit is to your majesty, that it may please your highness to hear of us what we find here, and at what point we leave this matter with her majesty, before that they find accidence, the causes whereof remitting to our private letters. We commit your majesty for the present to God's eternal protection. From London this 21st of Jan. 1586.

N°. LI. Vol. II. Page 104.

COPY OF A LETTER FROM THE EARLS OF SHREWSBURY AND KENT, ETC. TOUCHING THEIR PROCEEDINGS WITH REGARD TO THE DEATH OF THE SCOTTISH QUEEN, TO HER MAJESTY'S COUNCIL.

It may please your hon^ble^ good lordships to be advertised, that, on Saturday the 4th of this present, I Robert Beale came to the house of me the earl of Kent, in the county of ——, to whom your lordship's letter and message was delivered, and her majesty's commission shown; whereupon I the earl forthwith sent precepts for the staying of such hues and cries as had troubled the country, requiring the officers to make stay of all such persons, as should bring any such warrants without names, as before had been done, and to bring them to the next justice of peace, to the intent that upon their examination, the occasion and causes of such seditious bruites might be bolted out and known. It was also resolved that I the said earl of Kent should, on the Monday following, come to Lylford to Mr. Elmes, to be the nearer and readier to confer with my lord of Shrewsbury. Sonday at night, I Robert Beale came to Fotheringay, where after the communi-

cating the commission, &c. unto us sir Amice Pawlet and sir Drue Drury, by reason that sir A. Pawlet was but late recovered and not able to repair to the earl of Shrewsbury, being then at Orton, six miles off; it was thought good that we sir Drue Drury and Robert Beale should go unto him, which we did on ——— morning; and together with the delivery of her majesty's commission, and your lordship's letter imparted unto him what both the earl of Kent and we thought meet to be done in the cause, praying his lordship hither the day following, to confer with me the said earl, concerning the same; which his lordship promised. And for the better colouring of the matter, I the said earl of Shrewsbury sent to Mr. Beale, a justice of peace of the county of Huntingdon next adjoining, to whom I communicated that warrant, which Robert Beale had under your lordship's hands, for the staying of the hues and cries, requiring him to give notice thereof to the town of Peterborough, and especially unto the justices of peace of Huntingdonshire, and to cause the pursuers and bringers of such warrants to be stayed, and brought to the next justice of peace; and to bring us word to Fotheringay castle on Wednesday morning what he had done, and what he should in the mean time understand of the authors of such bruites. Which like order, I also sir Amias Pawlet had taken on Monday morning in this town, and other places adjoining. The same night the sheriff of the county of Northampton upon the receipt of your lordship's letter came to Arundel, and letters were sent to me the earl of Kent of the earl of Shrewsbury's intention and meeting here on Tuesday by noon; and other letters were also sent with their lordship's assent to sir Edward Montagu, sir Richard Knightly, Mr. Tho. Brudenell, &c. to be here on Wednesday by eight of the clock in the morning, at which time it was thought meet that the execution should be. So upon Tuesday, we the earls came hither, where the sheriff met us; and upon conference between us it was resolved, that the care for the sending for the surgeons, and other necessary provision should be committed unto him against the time. And we forthwith repaired unto her, and first in the presence of herself and her folks, to the intent that they might see and report hereafter that she was not otherwise proceeded with than according to law, and the form of the statute made in the 27th year of her majesty's reign, it was thought convenient that her majesty's commission should be read unto her, and afterwards she was by sundry speeches willed to prepare herself against the next morning. She was also put in remembrance of her fault, the honorable manner of proceeding with her, and the necessity that was imposed upon her majesty to proceed to execution, for that otherwise it was found that they could not both stand together; and however, sithence the lord Buckhurst's his being here new conspiracies were attempted, and so would be still; wherefore since she had now a good while since warning, by the said lord and Robert Beale, to think upon and prepare herself to die, we doubted not but that she was, before this, settled, and therefore would accept this message in good part. And

to the effect that no christian duty might be said to be omitted, that might be for her comfort, and tend to the salvation both of her body and soul in the world to come, we offered unto her, that if it would please her to confer with the bishop and dean of Peterborough, she might; which dean we had, for that purpose, appointed to be lodged within one mile of that place. Hereto she replied, crossing herself in the name of the Father, the Son, and the Holy Ghost, saying that she was ready to die in the catholic Roman faith, which her ancestors had professed, from which she would not be removed. And albeit we used many persuasions to the contrary, yet we prevailed nothing; and therefore, when she demanded the admittance of her priest, we utterly denied that unto her. Hereupon, she demanded to understand what answer we had touching her former petition to her majesty, concerning her papers of accounts, and the bestowing of her body. To the first we had none other answer to make, but that we thought if they were not sent before, the same might be in Mr. Waade's custody, who was now in France, and seeing her papers could not any wise pleasure her majesty, we doubted not but that the same would be delivered unto such as she should appoint. For, for our own parts, we undoubtedly thought that her majesty would not make any profit of her things, and therefore (in our opinions) she might set down what she would have done, and the same should be imparted unto her majesty, of whom both she and others might expect all courtesy. Touching her body, we knew not her majesty's pleasure, and therefore could neither say that her petition should be denied, or granted. For the practice of Babington, she utterly denied it, and would have inferred it that her death was for her religion; whereunto it was eftsoons by us replied, that for many years she was not touched for religion, nor should have been now, but that this proceeding against her was for treason, in that she was culpable of that horrible conspiracy for destroying her majesty's person; which she again denied, adding further that albeit she for herself forgave them that were the procurers of her death, yet she doubted not but that God would take vengeance thereof. And being charged with the depositions of Naué and Curle to prove it against her, she replied, that she accused none, but that hereafter when she shall be dead, and they remain alive, it shall be seen how indifferently she had been dealt with, and what measure had been used unto her; and asked whether it had been heard before this, that servants had been practised to accuse their mistress, and hereupon also required what was become of them, and where they remained.

Upon our departure from her, for that it seemed by the commission, that the charge of her was in the disposition of us the earls, we required S. Amias Pawlet and S. Drue Drurie to receive for that night the charge which they had before, and to cause the whole number of soldiers to watch that night, and that her folks should be put up, and take order that only four of them should be at the execution, remaining aloof of and guarded with certain persons so as they should not come near unto her,

which were Melvil her steward, the physician, surgeon, and apothecary.

Wednesday morning, after that we the earls were repaired unto the castle, and the sheriff had prepared all things in the hall for the execution, he was commanded to go into her chamber, and to bring her down to the place where were present we which have signed this letter, Mr. Henry Talbot, esq. sir Edward Montague, knt. his son and heir apparent, and William Montague, his brother, sir Richard Knightly, knt. Mr. Thomas Brudenell, Mr. Beuill, Mr. Robert and John Wingefield, Mr. Forrest, and Rayner, Benjamin Piggot, Mr. Dean of Peterborough, and others.

At the stairfold, she paused to speak to Melvil in our hearing, which was to this effect: "Melvil, as thou hast been an honest servant to me, so I pray thee continue to my son, and commend me unto him. I have not impugn'd his religion, nor the religion of others, but wish him well. And as I forgive all that have offended me in Scotland, so I would that he should also; and beseech God, that he would send him his Holy Spirit, and illuminate him." Melvil's answer was, that he would so do, and at that instant he would beseech God to assist him with his spirit. Then she demanded to speak with her priest, which was denied unto her, the rather for that she came with a superstitious pair of beads and a crucifix. She then desired to have her women to help her, and upon her earnest request, and saying that when other gentlewomen were executed, she had read in chronicles that they had women allowed unto them, it was permitted that she should have two named by herself, which were Mrs. Curle and Kennedy. After she came to the scaffold, first in presence of them all, her majesties commission was openly read; and afterwards Mr. Dean of Peterborough, according to a direction which he had received, the night before, from us the earls, wou'd have made a godly admonition to her, to repent and die well in the fear of God and charity to the world. But at the first entry, she utterly refused it, saying that she was a catholique, and that it were a folly to move her being so resolutely minded, and that our prayers would little avail her. Whereupon, to the intent it might appear that we, and the whole assembly, had a christian desire to have her die well, a godly prayer, conceived by Mr. Dean, was read and pronounced by us all. "That it would please almighty God to send her his Holy Spirit and grace, and also, if it were his will, to pardon all her offences, and of his mercy to receive her into his heavenly and everlasting kingdom, and finally to bless her majesty, and confound all her enemies;" whereof Mr. Dean, minding to repair up shortly, can show your lordships a copy.

This done, she pronounced a prayer upon her knees to this effect, "to beseech God to send her his Holy Spirit, and that she trusted to receive her salvation in his blood, and of his grace to be received into his kingdom, besought God to forgive her enemies, as she forgave them; and to turn his wrath from this land,

to bless the queen's majestie, that she might serve him. Likewise to be merciful to her son, to have compassion of his church, and altho' she was not worthy to be heard, yet she had a confidence in his mercy, and prayed all the saints to pray unto her saviour to receive her." After this (turning towards her servants) she desired them to pray for her, that her saviour would receive her. Then, upon petition made by the executioners, she pardoned them; and said, she was glad that the end of all her sorrows was so near. Then she misliked the whinning and weeping of her women, saying that they rather ought to thank God for her resolution, and kissing them, willed them to depart from the scaffold, and farewell. And so resolutely kneeled down, and having a kerchief banded about her eyes, laid down her neck, whereupon the executioner proceeded. Her servants were incontinently removed, and order taken that none should approach unto her corps, but that it should be embalmed by the surgeon appointed. And further her crosse, apparel, and other things are retained here, and not yielded unto the executioner for inconveniencies that might follow, but he is remitted to be rewarded by such as sent him hither.

This hath been the manner of our dealings in this service, whereof we have thought good to advertise your lordships, as particularly as we could, for the time, and further have thought good to signify unto your lordships besides, that for the avoiding of all sinister and slanderous reports that may be raised to the contrary, we have caused a note thereof to be conceived to the same effect in writing, which we the said lords have subscribed, with the hands of such other there the knights and gentlemen above named that were present at the action. And so beseeching almighty God long to bless her majesty with a most prosperous reign, and to confound all his and her enemies, we take our leaves. From Fotheringay-castle, the 8th of February 1586, in hast.

Your lordships at commandment.

N. B. This, as well as several other papers in this Appendix, is taken from a collection made by Mr. Crawfurd of Drumsoy, historiographer to queen Anne, now in the library of the faculty of advocates. Mr. Crawfurd's transcriber has omitted to mention the book in the Cott. Lib. where it is to be found.

N°. LII. Vol. II. Page 145.

THE OBJECTIONS AGAINST MR. DAVISON, IN THE CAUSE OF THE LATE SCOTTISH QUEEN, MUST CONCERN THINGS DONE EITHER, 1. BEFORE HER TRIAL AT FOTHERINGAY. 2. DURING THAT SESSION. 3. AFTER THE SAME [h].

1. Before her trial, he neither is, nor can be charged to have had any hand at all in the cause of the said queen, or done any thing whatsoever concerning the same directly or indirectly.

[h] Cott. Lib. Cal. c. 1.

2. During that session, he remained at court, where the only interest he had therein, was as her majesty's secretary, to receive the letters from the commissioners, impart them to her highness, and return them her answers.

3. After the return thence, of the said commissioners, it is well known to all her council,

1. That he never was at any deliberation or meeting whatsoever, in parliament, or council, concerning the cause of the said queen, till the sending down of her majesty's warrant unto the commissioners, by the lords and others of her council.

2. That he was no party in signing the sentence passed against her.

3. That he never penned either the proclamation publishing the same, the warrant after her death, nor any other letter, or thing whatsoever concerning the same. And,

That the only thing which can be specially and truly imputed to him, is the carrying up the said warrant unto her majesty to be signed. She sending a great counsellor unto him, with her pleasure to that end, and carrying it to the great seal of England, by her own special direction and commandment.

For the better clearing of which truth, it is evident,

1. That the letter, being penned by the lord treasurer, was delivered by him unto Mr. Davison, with her majesty's own privity, to be ready for to sign, when she should be pleased to call for it.

2. That being in his hands, he retained it at the least five or six weeks unpresented, nor once offering to carry it up, till she sent a great counsellor unto him for the same, and was sharply reproved therefor by a great peer, in her majesty's own presence.

3. That having signed it, she gave him an express commandment to carry it to the seal, and being sealed to send it immediately away unto the commissioners, according to the direction. Herself appointing the hall of Fotheringay for the place of execution, misliking the court-yard, in divers respects, and in conclusion absolutely forbad him to trouble her any further, or let her hear any more hereof, till it was done. She, for her part, having (as she said) performed all that, in law or reason, could be required of her.

4. Which directions notwithstanding, he kept the warrant sealed all that night, and the greatest part of the next day in his hands, brought it back with him to the court, acquainted her majesty withal, and finding her majesty resolved to proceed therein, according to her former directions, and yet desirous to carry the matter so, as she might throw the burthen from herself, he absolutely resolved to quit his hands thereof.

5. And hereupon went over unto the lord treasurer's chamber, together with Mr. Vice-chamberlain Hatton, and in his presence restored the same into the hands of the said lord treasurer, of

whom he had before received it, who from thenceforth kept it till himself and the rest of the council sent it away.

Which, in substance and truth, is all the part and interest the said Davison had in this cause, whatsoever is, or may be pretended to the contrary.

Touching the sending down thereof unto the commissioners, that it was the general act of her majesty's council (as is before mentioned) and not any private act of his, may appear by,

1. Their own confession. 2. Their own letters sent down therewith to the commissioners. 3. The testimonies of the lords and others to whom they were directed. As also, 4. Of Mr. Beale, by whom they were sent. 5. The tenor of her majesty's first commission for their calling to the star-chamber for the same, and private appearance and submission afterward instead thereof before the lord chancellor Bromley. 6. The confession of Mr. Attorney-general in open court confirmed. 7. By the sentence itself upon record. 8. Besides a common act of council, containing an answer to be verbally delivered to the Scottish ambassador then remaining here, avowing and justifying the same.

Now where some suppose him to have given some extraordinary furtherance thereunto, the contrary may evidently appear by,

1. His former absolute refusal to sign the band of association, being earnestly pressed thereunto by her majesty's self.

2. His excusing of himself from being used as a commissioner, in the examination of Babington and his complices, and avoiding the same by a journey to the Bath.

3. His being a mean to stay the commissioners from pronouncing of the sentence at Fotheringay, and deferring it till they should return to her majesty's presence.

4. His keeping the warrant in his hands six weeks unpresented, without once offering to carry it up, till her majesty sent expressly for the same to sign.

5. His deferring to send it away after it was sealed unto the commissioners, as he was specially commanded, staying it all that night, and the greatest part of the next day, in his hands.

6. And finally, his restoring thereof into the hands of the lord treasurer, of whom he had before received the same.

Which are clear and evident proofs, that the said Davison did nothing in this cause whatsoever, contrary to the duty of the place he then held in her majesty's service.

Cal. c. 9.

This seems to be an original. On the back is this title,

The innocency of Mr. Davison in the cause of the late Scottish queen.

N°. LIII. Vol. II. Page 225.

LETTER [i] FROM Θ TO HIS MAJESTY KING JAMES [k].

Most worthy prince, the depending dangers upon your affectionates, have been such, as hath inforced silence in him, who is faithfully devoted to your person, and, in due time of trial, will undergo all hazards of fortune for the maintenance of the just regal rights, that, by the laws divine, of nature and of nations, is invested in your royal person. Fall not then, most noble and renowned prince, from him whose providence hath in many dangers preserved you, no doubt to be an instrument of his glory, and the good of his people. Some secrets, I find, have been revealed to your prejudice, which must proceed from some ambitious violent spirited person near your majesty in council and favour; no man in particular will I accuse, but I am sure it hath no foundation from any, with whom, for your service, I have held correspondence; otherwise, I had, long since, been disabled from performance of those duties, that the thoughts of my heart endeavoureth; being only known to this worthy nobleman bearer hereof, one noted in all parts of christendom for his fidelity to your person and state, and to Mr. David Fowlis your most loyal servant, my first and faithful correspondent; and unto James Hudsone, whom I have found in all things that concern you, most secret and assured. It may, therefore, please your majesty, at the humble motion of Θ, which jargon I desire to be the indorsement of your commands unto me, that, by some token of your favour, he may understand in what terms you regard his fidelity, secrecy, and service. My passionate affection to your person (not as you are a king, but as you are a good king, and have just title, after my sovereign, to be a great king) doth transport me to presumption. Condemn not, most noble prince, the motives of care and love, altho' mixed with defects in judgment.

1. I, therefore, first beseech your majesty, that for the good of those whom God, by divine providence, hath destined to your charge, that you will be pleased to have an extraordinary care of all practicers, or practices, against your person; for it is not to be doubted, but that in both kingdoms, either out of ambition, faction, or fear, there are many that desire to have their sovereign in minority, whereby the sovereignty and state might be swayed by partiality of subalternate persons, rather than by true rule of power and justice. Preserve your person, and fear not the practices of man upon the point of your right, which will be preserved and maintained against all assaults of competition whatever. Thus I leave the protection of your person and royal posterity to

[i] In the former editions, I printed this as a letter from sir Robert Cecil, but am now satisfied that I was mistaken in forming this opinion. See sir D. Dalrymple's Rem. on the Hist. of Scot. p. 233. As the letter is curious, I republish it, though I cannot pretend to say to which of the king's numerous correspondents in England it should be ascribed.

[k] From the original. Bibl. Fac. Jur. Edin. a. 1. 34. No. 4.

the almighty God of heaven, who bless and preserve you and all yours, in all regal happiness, to his glory.

2. Next to the preservation of your person, is the conservation and secret keeping of your councells, which, as I have said, are often betrayed and discovered, either out of pretended zeal in religion, turbulent faction, or base conception, the which your majesty is to regard with all circumspection, as a matter most dangerous to your person and state, and the only means to ruin and destroy all those that stand faithfully devoted to your majesty's service. Some particulars, and persons of this nature, I make no doubt have been discovered by the endeavours of this nobleman, the bearer hereof, of whom your majesty may be further informed.

3. The third point considerable is that your majesty by all means possible, secure yourself of the good affection of the French king and states, by the negotiation of some faithful secret confident; the French naturally distasting the union of the British islands under one monarch. In Germany, I doubt not, but you have many allies and friends, but by reason of their remote state they do not so much importe this affair, which must be guided by a quick and sudden motion.

4. When God, by whose providence the period of all persons and times is determined, shall call to his kingdom of glory her majesty, (although I do assuredly hope that there will not be any question in competition, yet for that I hold it not fitting to give any minute entrance into a cause of so high a nature,) I do humbly beseech your majesty to design a secret, faithful, and experienced confident servant of yours, being of an approved fidelity and judgment, continually to be here resident, whose negotiation, it were convenient your majesty should fortifie, with such secret trust and powers, as there may not need 14 days respite to post for authority, in a cause, that cannot endure ten hours respite, without varieties of danger. In the which it is to be considered, that all such as pretend least good to your establishment, will not in public oppugn your title, but out of their cunning ambition will seek to gain time by alledging their pretence of common good to the state, in propounding of good conditions for disburthening the common weale, of divers hard laws, heavy impositions, corruptions, oppressions, etc. which is a main point to lead the popular, who are much disgusted with many particulars of this nature. It were therefore convenient, that these motives, out of your majesty's providence should be prevented, by your free offer in these points following, viz.

1. That your majesty would be pleased to abolish purveyors and purveyance, being a matter infinitely offensive to the common people, and the whole kingdom, and not profitable to the prince.

2. That your majesty would be pleased to dissolve the court of wards, being the ruin of all the noble and ancient families of this realm, by base matches, and evil education of their children, by which no revenue of the crown will be defrayed.

3. The abrogating the multiplicity of penal laws, generally repined against by the subject, in regard of their uncertainty, being many times altered from their true meaning, by variety of interpretation.

4. That your majesty will be pleased to admit free outport of the native commodities of this kingdom, now often restrained by subalternate persons for private profit, being most prejudicial to the commerce of all merchants, and a plain destruction to the true industry and manufacture of all kingdoms, and against the profit of the crown.

These, being by your majesty's confidents in the point of time propounded, will assuredly confirm unto your majestie the hearts and affections of the whole kingdom, and absolutely prevent all insinuations and devices of designing patriots, that out of pretext of common good would seek to patronize themselves in popular opinion and power, and thereby to derogate from your majesty's bounty and free favour by princely merit of your moderation, judgment, and justice.

Your majesty's favour, thus granted to the subject, will no way impeach the profits of the crown but advance them. The disproportionable gain of some chequer officers, with the base and mercenary profits of the idle unnecessary clerks and attendants, will only suffer some detriment; but infinite will be the good unto the kingdom, which will confirm unto your majesty the universal love and affection of the people, and establish your renown in the highest esteem to all posterity.

The lord preserve your majestie, and make you triumphant over all your enemies.

My care over his person, whose letters pass in this pacquet, and will die before he leave to be yours, shall be no less than of mine own life, and in like esteem will I hold all your faithful confidents, notwithstanding I will hold myself reserved from being known unto any of them, in my particular devoted affections unto your majesty, only this extraordinary worthy man, whose associate I am in his misfortune, doth know my heart, and we both will pray for you, and if we live you shall find us together.

I beseech your majesty burn this letter, and the others; for altho' it be in an unusual hand, yet it may be discovered.

Your majesty's most devoted
and humble servant,

Θ.

INDEX

TO THE

HISTORY OF SCOTLAND.

N. B. The numeral letters refer to the volume, and the figures to the page.

ADAMSON, archbishop of St. Andrew's, is excommunicated by the synod of Fife, ii. 112. he excommunicated his opponents, ibid. is restored by the general assembly upon conditions, 113. his mean submission to the general assembly, 164.

Albany, Alexander duke of, cabals with his nobles against his brother king James the third, i. 47. is made prisoner, but escapes to France, ibid. concludes a treaty with Edward the fourth of England, ibid. procures assistance to invade Scotland on mean conditions, 48. returns to Scotland, and is restored to favour, 49. cabals again, but is forced to fly to France, ibid.

———, duke of, made regent during the minority of king James the fifth, 31, 52. after several unsuccessful struggles with the nobility, he is forced to retire to France, ibid.

Alençon, duke of, queen Elizabeth long amuses the court of France by carrying on a treaty of marriage with him, ii. 57.

Allen, cardinal, published a book proving the lawfulness of killing excommunicated princes, ii. 101.

Alva, duke of, his intrigues in favour of queen Mary, ii. 22, 25, 27. is recalled from his government of the Netherlands, 40.

Ambassadors, their office, i. 71.

Andrew's, St., the archbishop of, remarkably cured of a dangerous distemper, i. 112. the motives of his opposition to the queen regent, 130. his great influence on the bench of bishops and weight in parliament, 134. governed the church with great moderation, 136. persecutes the reformers, ibid. is imprisoned for celebrating mass, i. 244. ruins queen Mary's affairs by his imprudent conduct, 370. is taken prisoner in Dunbarton castle, and hanged, ii. 14.

———, the castle of, demolished by the French, i. 96.

———, the prior of, promotes a treaty between the queen regent and the reformers, i. 146. is provoked to leave the court, 148. is one of the chief promoters of the reformation, 160. some account and character of him, ibid. artful endeavours used to undermine him, 161. presumption of his innocence of the designs charged on him, ibid. is sent by the convention to invite the queen to Scotland, i. 205. is received by her with confidence and affection, 206. restrains the turbulent spirit of the people against popery, 218. is sent to restrain the licentious practices of the borderers, 222. executes his commission with vigour and prudence, 223. a conspiracy against him discovered, 230. is created earl of Mar, 232. becomes obnoxious to the earl of Huntley, 233. See Mar and Murray.

Angus, Gilbert de Umfraville, earl of, was the only man who asserted the independence of his country, i. 11.

———, Douglas, earl of, assumes the regency during the minority of king

James the fifth, i. 31, 52. is unable to gain his affections, 53. is attainted, and flies into England, ibid. obtains leave to return into Scotland, ii. 76. surrenders himself to king James the sixth, 84. he with several others seizes the castle of Stirling to oppose Arran, 87. they are forced to fly into England at the approach of the king with an army, 88. he is attainted and his estate forfeited, ii. 93. is concerned in a plot in favour of Spain, 169. is seized, and committed prisoner to the castle of Edinburgh, ibid. escapes, and flies to the mountains, 170. offers to submit to a trial, 174. sentence is pronounced against him, ibid. he refuses to submit, 175.

Anjou, duke of, a marriage proposed between him and queen Elizabeth, ii. 20.

Anne, a princess of Denmark, married to king James the sixth, ii. 161. her arrival in Scotland and coronation, 164. heads a party that opposes the chancellor, 171.

Archbishops, bishops, deans, and chapters, revived in Scotland during the king's minority, ii. 32, 33. this gives great offence to many of the clergy, ibid. an act of assembly against these offices, ii. 70. bishops made subject to presbyteries and assemblies, 70, 71. a great stroke given to their authority, 150. none of them present at the queen's coronation, 164.

Argyll, earl of, is appointed to carry the crown matrimonial to the dauphin of France, i. 134. uses his interest with the reformers to make a treaty with the queen regent, 146. leaves her court in resentment of her treachery, 148. refuses to accede to a treaty with Murray the regent, i. 403. is soon after forced to submit, ibid. acts as lieutenant to the queen after the regent's murder, ii. 4. is prevailed on to join the king's party, 17. quarrels with Athol, 46. confederates with him against Morton the regent for their mutual defence, ibid. they remonstrate against him to the king, 48. they raise forces against him, 53. negotiate a treaty with him by the mediation of queen Elizabeth, 54. is promoted to the office of chancellor, 55. the king's authority delegated to him and lord Forbes against the popish lords, ii. 177. his forces are defeated in an engagement with them, 178.

Aristocracy, predominant in Scotland, i. 215.

Armada, Spanish, preparations for it, ii. 152, 153. it is defeated, 156.

Arran, earl, is appointed regent during the minority of queen Mary, i. 78. his character, 79. consents to the schemes of England, which disgusts the public, 81. becomes suspicious of the earl of Lennox, 84. is forced to renounce the friendship with England, and declare for France, ibid. and to persecute the reformers, 85. publicly abjures the doctrines of the reformers, 86. is contemned by one half, and little trusted by the other part of the nation, 87. heads the partisans of France and defenders of popery, ibid. attempts in vain to seize the murderers of cardinal Beatoun, 93. is forced to make a truce with the conspirators, 94. his eldest son is conditionally excluded all right of succession, 97. his mean concession to the court of France, 103. gets the title of Chatelherault, ibid. is undermined by the queen dowager, 109. proposals and arguments for his resignation, 111. he consents to it, ibid. retracts by the influence of the archbishop of St. Andrew's, 112. is at last prevailed on, and gets advantageous terms, 113. See Chatelherault.

———, eldest son of the duke of Chatelherault, joins in an association with the reformers, i. 159. narrowly escapes intended ruin at the court of France, ibid. is full of resentment against the French on that account, 160. the congregation solicit queen Elizabeth to marry him, i. 199. his great imprudence with regard to queen Mary, 224. discovers a conspiracy against the queen's favourite, 230. loses his reason, ii. 56. is imprisoned by Morton, ibid.

———, late capt. Stewart, gets that title and estate, ii. 66. is appointed to conduct Morton from Dunbarton to Edinburgh, ibid. his infamous marriage with the countess of March, 68. his variance with Lennox, 69. is frustrated in an attempt to rescue the king at Ruthven, 75. is confined prisoner to the castle of Stirling, ibid. regains his liberty and the king's regard, 82. resumes his power and arrogance, ibid. gets the Ruthven conspirators declared guilty of high treason, ibid. is detested as author of a persecution against the clergy, 89. is gained over to queen Elizabeth's interest, ii. 92. gets several forfeited estates, 93. his corruption and insolence, 99. is made

chancellor, and has unlimited power, ibid. his venality is exceeded by that of his wife, 100. his monstrous tyranny and oppression, ibid. his power undermined by Wotton, the English envoy, 109. is confined in the castle of St. Andrew's, but soon recovers favour, 109, 110. his interest sinks much, 111. is stripped of his honours and spoils, and reduced to his original station, ibid.

Articles, lords of, their origin and business, i. 67. by whom chosen, 68. the subsequent variations and political use made of this institution, ibid.

Arundel, earl of, is appointed a commissioner to the conference at Westminster, i. 394.

Ashby, ambassador from queen Elizabeth to Scotland, ii. 154. his great promises to king James, ibid. his promises are soon forgot, 157. he is ashamed, and withdraws privately from Scotland, ibid.

Assassination, the frequency of it in Scotland, how accounted for, i. 293. several instances of it in France, 295. a stop put to it there and in Scotland, ibid. several great men approve of it, 296. prevailed greatly afterwards, ii. 165.

Assembly of the church of Scotland, the first but feeble and irregular, i. 204. another assembly, their demands from the convention, 224. two other assemblies in vain solicit an augmentation of their revenues, 239. they address queen Mary in high strains of complaint, 277. an assembly proceeds at Glasgow, notwithstanding the king's interdiction, ii. 71. two assemblies yield many of the privileges of the church to the king, ii. 193. declare it lawful for ministers to sit in parliament, 195. See Clergy.

Association, formed in defence of queen Elizabeth against queen Mary, ii. 96.

Athol, earl of, the occasion of his quarrel with the earl of Argyll, ii. 46. joins with him in opposing Morton, the regent, ibid. dies soon after an entertainment at Morton's, 55. suspicions of his being poisoned, ibid.

Aubigné, lord d', second son of the lord Lennox, arrives in Scotland from France, ii. 58. becomes soon a great favourite of king James, ibid. high titles and posts bestowed on him, ibid. notes against him, Appendix, ii. 396. See Lennox.

Austrian family, their origin and power, i. 72, 73.

Babington, Anthony, some account of him, ii. 116. the rise of his conspiracy against queen Elizabeth, 115, 116. the names and scheme of operations of his associates, ibid. they are betrayed, seized, and executed, 118.

Bacon, sir Nicholas, appointed one of the commissioners to the confederates at Westminster, i. 394.

Baliol, John, his claim to the crown of Scotland, i. 10. is preferred by Edward the first, 11. soon forced by him to resign, ibid.

Ballard, a trafficking priest, solicits an invasion of England from Spain, ii. 115. joins in a conspiracy to murder queen Elizabeth, ibid. is discovered, and taken into custody, 118. and executed, ibid.

Barons, their jurisdiction very extensive, i. 19. the difference between the greater and lesser, whence, 64. three hundred of them remonstrate against the conduct of the queen dowager, 125. the lesser admitted by their representatives in parliament, ii. 150. petition of the lesser barons to parliament, Append. ii. 314. See Nobles.

Basilicon Doron, a book published by king James the sixth, strengthens his interest in England, ii. 198.

Beatoun, cardinal, made use of by king James the fifth, to mortify the nobles, i. 56. his pretensions to the regency on the death of that prince, 78. forges a testament of the late king, ibid. his views how disappointed, ibid. his character, ibid. opposes the earl of Arran, regent, 81. excites most of the nation against the English, 83. seizes the young queen and her mother, ibid. cajoles the earl of Lennox, ibid. obliges the regent to renounce England, and declare for France, 84. and to persecute the reformers, 85. engrosses the chief direction of affairs, 86, 87. his double-dealing with the earl of Lennox resented, 87. is murdered, 92. his death fatal to the catholics, 93. a vain attempt to revenge it, ibid. scandalous reports concerning him, 121.

Bedford, earl of, comes as ambassador from queen Elizabeth to witness the

baptism of James the sixth, i. 312. his instructions, 313. his letters to sir W. Cecil, Appendix, ii. 334, 338, 343.
Bellendon, sir Lewis, justice clerk, king James's resident at London, ii. 108. joins in promoting queen Elizabeth's interest in Scotland, ibid. is sent with her envoy into that country, ibid.
Black, Mr. David, minister of St. Andrew's, his ridiculous and seditious expressions in the pulpit, ii. 185. being supported by the clergy, he declines the civil jurisdiction, 186. is condemned by the privy council, 187. is sentenced by the king to reside beyond Spey, ibid.
Blackadder, captain, and three others, executed for the murder of Darnly, i. 351.
Boethius, Hector, his history of Scotland, some account of, i. 6.
Bolton castle, queen Mary confined a prisoner there, i. 382.
Bonot, a foreigner, made governor of Orkney, i. 123.
Borderers, an attempt to restrain their licentious practices, i. 222. queen Mary visits them, 305. a scuffle there, in which the English warden, etc. were made prisoners, ii. 45.
Borthwick, lord, assists the queen regent in defending Leith, i. 174.
Bothwell, James Hepburn, earl of, intercepts a sum of money from England to the congregation, i. 173. favours the queen regent, but resides at his own house, 174. is by the earl of Murray summoned to a public trial, 264. prevents it by leaving the kingdom, ibid. a sentence of outlawry against him prevented by the queen, 265. is permitted to return, 272. escapes with her after the murder of Rizio, 291. some account of his former behaviour, 298, 299. commences a favourite with the queen, ibid. she reconciles him to several lords, with whom he was at variance, 300. he increases in favour with her, 301. circumstances concurring in this, 302. he is wounded in attempting to seize one of the borderers, 305. the queen's extraordinary regard for him on this occasion, ibid. to secure adherents, he obtains a pardon for Morton and his associates, 315. proposes the restoration of the popish ecclesiastical jurisdiction, 316, 317. his views in this, ibid. is suspected the author of Darnly's murder, 323. is charged with it by Lennox, 324. but still favoured by the queen, 325. appointed governor of Edinburgh castle, ibid. his trial is hurried on, ibid. remarkable partiality in his favour, 327. Lennox accuses him openly, 328. comes to his trial with a great retinue, ibid. is acquitted by a jury, 329. the trial universally censured, ibid. Challenges any that would accuse him, 330. several acts of parliament passed in his favour, ibid. he procures an act in favour of the reformation, 331. prevails on several of the nobles to recommend him as a husband to the queen, 333, 334. seizes the queen on a journey from Stirling, and carries her to Dunbar, 337. his view in this, 338. obtains a pardon under the great seal, ibid. procures a divorce from his wife, ibid. carries the queen to the castle of Edinburgh, 340. is created duke of Orkney, ibid. and married to the queen, ibid. is not allowed the title of king, 341. he watches the queen very closely, ibid. endeavours to get the prince into his custody, 342. is alarmed with an association of the nobles against the queen and him, 343. carries the queen to the castle of Borthwick, 345. raises forces against the confederate lords, ibid. he marches against them, ibid. proposes a single combat, 347. this how prevented, ibid. takes his last farewell of the queen, and is forced to fly. ibid. sends for a casket of letters from queen Mary to him, 351, 352. they are intercepted by the earl of Morton, ibid. his miserable fate, 362, 363. reflections on his conduct, 363. copy of his divorce from lady Jane Gordon, Appendix, ii. 345.
Bothwell, Francis Stewart, created earl of Bothwell, ii. 158. is imprisoned for consulting witches, 166. escapes and attempts to break into the king's presence, ibid. retires to the north, ibid. he and his adherents are attainted, 168. fails in an attempt to seize the king, ibid. is taken under protection of queen Elizabeth, who solicits for him, 170. seizes the king's person, 171. forces him to dismiss the chancellor, and his other favourites, 172. and to grant him a remission, ibid. his bold and insolent behaviour afterward, 173. is encouraged by the English ambassador, 175. makes another attempt to come at the king, 176. is repulsed, and obliged to fly to the

north of England, ibid. is abandoned by queen Elizabeth, and forced to fly into Spain and Italy, 180. remains in indigent obscurity, and is never after reconciled to the king, ibid.
Bothwell, Adam, bishop of Orkney, performs the ceremony of marriage of queen Mary to the earl of Bothwell, i. 340.
Bothwellhaugh. See Hamilton.
Boulogne, wrested by the French out of the hands of the English, i. 103. they consent to restore it and its dependencies to the French, 104.
Bowes, envoy from queen Elizabeth, accuses Lennox of disturbing the peace, ii. 61. is refused an audience, ibid. is sent to encourage the conspirators at Ruthven, 76. to inquire about king James's correspondence with the pope, ii. 199.
Boyd, lord, his ambitious views in the time of king James the third frustrated, i. 30.
——— is prevailed on to join the king's party against queen Mary, ii. 17. joins the Ruthven conspirators, 74.
Brienne, count de, comes an ambassador from France to witness the baptism of king James the sixth, i. 312.
Bruce, Robert, his claim to the crown of Scotland, i. 10. his grandson asserts his right, and vindicates the honour of his country, 12. he attempts to reduce the power of the nobles, 39.
———, a priest employed by the king of Spain to seduce the Scotch nobles, ii. 158.
———, Mr. Robert, a presbyterian minister, performs the ceremony of the coronation of king James's queen, ii. 164.
———, Edward, abbot of Kinloss, acquits himself with address and reputation as ambassador at the court of England, ii. 197.
———, Mr. Robert, a minister, his resolution in refusing to publish the king's account of Gowrie's conspiracy, ii. 216. is deprived and banished on that account, ibid.
Buchanan, George, his history of Scotland, some account of, i. 6. remarks on his dialogue De Jure Regni, 150. alone accuses queen Mary of a criminal correspondence with Rizio, i. 287. approved of assassination, 296. attends the regent into England, when called on to accuse queen Mary, 385. was one of the preceptors of king James the sixth, ii. 47. commended for his great genius, ii. 243.
Burleigh. See Cecil.
Boroughs, when first represented in parliament, ii. 151.
Cais, John, a declaration of his in name of queen Elizabeth to the lords of Grange and Lethington, Appendix, ii. 389.
Caithness, earl of, his protest at the trial of Bothwell for the murder of Darnly, i. 329.
Calvin, the patron and restorer of presbyterian church government, i. 203.
Camden, some mistakes of his, i. 313.
Cannongate, near Edinburgh, a parliament held there, ii. 15.
Cardan, some account of him, i. 112. his remarkable cure of the archbishop of St. Andrew's, ibid.
Carey, sir George, sent ambassador from queen Elizabeth to encourage the conspirators at Ruthven, ii. 76.
———, Robert, sent by queen Elizabeth to sooth king James after the death of his mother, ii. 145. is not permitted to enter Scotland, ibid. was the first that brought king James intelligence of the death of queen Elizabeth, 233.
Casket of letters from queen Mary to Bothwell, seized by the earl of Morton, i. 351, 352. her enemies avail themselves much of them, ibid.
Cassils, earl of, joins the king's party, ii. 17.
Castelnau, the French ambassador, is employed to procure the consent of his court to queen Mary's marriage with Darnly, i. 258. he endeavours to make up the differences between the queen and him, 301. his intercession on behalf of queen Mary, ii. 104.
Catherine of Medicis, assumes the government after the death of Francis the second, her son, i. 200. her harsh treatment of queen Mary, ibid. her views

in behaving more friendly to her, 247. bends her whole endeavours to destroy the protestants, ii. 20. her artful conduct with that view, 21.
Cecil, his great capacity as a minister, i. 188. is employed to negotiate a peace with France, 189. overreaches the French ambassador in the treaty of Edinburgh, ibid. a letter of his cited to show that queen Elizabeth had no intention to intercept queen Mary, in her return to Scotland, 215. is appointed a commissioner to the conference at Westminster, i. 394. is sent by queen Elizabeth with proposals to queen Mary, ii. 8. has an interview with her, which excites queen Elizabeth's jealousy, 42, 43. is treated harshly by queen Elizabeth for consenting to queen Mary's death, 144.
——, sir Robert, son to the former, heads the party against Essex, ii. 219. his character, ibid. his great assiduity, ibid. enters into a private correspondence with king James, 225.
Celibacy of the popish clergy, a chief engine of their policy, i. 119, 142.
Charles the fifth, emperor, his great power, i. 72. and unlimited ambition, 73. is checked by Francis the first, ibid.
———, king of France, makes a league with queen Elizabeth, ii. 26.
Chatelherault, duke of, that title conferred on the earl of Arran, regent of Scotland, i. 103. his right of succession to the crown of Scotland maintained, 130. enters a protestation to save his right, 133. joins the reformers, in endeavouring to expel the French army, 156. joins in association with them, 159. is looked on as the head of the congregation, 160. his pusillanimity, 171. becomes obnoxious to queen Mary, 223. deprived of his French pension, 247. is alarmed at the earl of Lennox's return to Scotland, 254. an accommodation brought about by the queen's influence, ibid. adheres to Murray in opposing the queen's marriage, 273. is pardoned on his humble application, but forced to reside in France, 276. his partisans grumble at Murray's being advanced to the regency, 366. returns from France, and heads the queen's adherents, 402. is made her lieutenant-general, ibid. his resolution wavering, the regent commits him prisoner to the castle of Edinburgh, 403. is set at liberty by Kirkaldy, and joins the queen's party, ii. 3. is proclaimed traitor by Lennox the new regent, 7. is reconciled to Morton the regent, 39. articles of a treaty between them, ibid. his death, 44.
Church of Scotland, revolutions in it after the union of the crowns, ii. 241, 242. See Assembly, Clergy.
Church lands annexed to the crown by parliament, ii. 149.
Clans, the institution and nature of, i. 23, 24.
Clergy, popish, their great riches and power, i. 55, 116. were made use of by king James the fifth to suppress the nobles, 56, 57. made a considerable body in parliament, 117. their great influence over the laity, ibid. they engrossed learning, 118. and held many of the chief employments, ibid. their power increased by celibacy, 119. they seized the estates of the intestate, ibid. and tried all matrimonial and testamentary causes, ibid. become obnoxious to the laity, 120. their great corruptions, whence, ibid. those of Scotland particularly dissolute, ibid. their weak defence of their tenets, 121. try in vain to impose false miracles, 122. their impolitic conduct to the reformers, 137.
———, reformed, try in vain to recover the revenues of the church, i. 205, 206. procure a demolition of all relics of popery, 207. a new regulation concerning their revenues, 224—227. they are no gainers by it, 228. their stipends, what in those days, ibid. are offended at the moderation of their leaders, 245. occasion a tumult among the people, 246. more complaints of their poverty, 254, 315. are jealous of queen Mary, 316. the small allowances appointed to support them all, ibid. their application for payment of their stipends, of little effect, 365. fresh complaints of the deficiency of the funds for their maintenance, 413. are put off with fair words and promises, 414. archbishops, etc. introduced among them by Morton, ii. 33. their grievances under his administration, 45. they approve of the Ruthven conspirators, 77, 85. by favouring them they provoke the king, 86. severe laws made against them, 88. they of Edinburgh fly into England, 89. as do several others that were most eminent, ibid. more vigorous measures against them,

94. they obtain no redress on the restoration of the exiled lords, 112. represent their grievances to parliament, 148. a maintenance provided for them by parliament, 149. they prevail to get presbyterian government established by law, 167. their zeal against the popish lords, 169, 177. their rash proceedings, 183. they erect a standing council of the church, 184. vindicate one of their number who declined the civil jurisdiction, 185. their standing council ordered to leave Edinburgh, 187. this occasions a violent tumult there, ibid. they use their utmost efforts to spirit the people, 189. are deserted, and fly to England, 191. their power greatly reduced, ibid. are prevailed on to give up many of their privileges, 193. are restored to a seat in parliament, 195. this violently opposed by many of them, 196. but carried in their general assembly, ibid. those entitled to this privilege are laid under many regulations and restrictions, 202. they are brought under great subjection, ibid. the revolutions among them since the union of the crowns, 241, 242.

Clinton, lord, appointed a commissioner at the conference at Westminster, i. 394.

Cockburn, of Ormiston, receives a supply of money from the English to the congregation, i. 173. is intercepted, and robbed of it, ibid.

Coin in Scotland, some account of, i. 168. ii. 44.

Commissaries appointed to try causes in place of the spiritual court, i. 195. they are deprived of all authority, 316.

Confession of faith by the reformers consented to by parliament, i. 195.

Congregation, the protestants distinguished by that name, i. 143. their leaders enter into an association, ibid. are involved in difficulties, i. 171. apply to queen Elizabeth for assistance, ibid. money sent them by her intercepted, 173. make a rash and desperate attempt on Leith, and are repulsed, ibid. are no less unfortunate in a second skirmish, ibid. are quite dispirited, and retreat to Stirling, 174. are joined by the body of the nobles, ibid. their army dwindles away, 176. are animated by Knox, ibid. they apply again to queen Elizabeth, ibid. their parties harass the French, 180. assisted by a fleet from England, 181. conclude a treaty at Berwick with the duke of Norfolk, 182. the design and substance of this treaty, ibid. negotiate a peace with France, 189. articles of the treaty, ibid. they reap advantages from it, 191. See Reformation.

Covenant, national, framed in defence of the king and government, ii. 155. the nature and reasonableness of it, ibid. the progress of it since, 156.

Courtesy of Scotland, what, i. 130.

Craig, a minister, boldly testifies against queen Mary's marriage with Bothwell, i. 340.

Crawford, captain, of Jordan hill, surprises Dunbarton castle, ii. 12. the difficulties of that enterprise, 13.

————, earl of, one of the heads of the Spanish faction, ii. 154. offers his service to the king of Spain, 158. joins in rebellion against the king, 160. is forced to submit to him, ibid. and imprisoned a short time, ibid.

Crichton, regent during the minority of king James the second, his barbarous policy, i. 44.

————, a jesuit, a plot against queen Elizabeth discovered by his means, ii. 95.

Criminals, a remarkable instance of the difficulty of bringing them to justice, i. 18.

Croc, le, the French ambassador, refused to countenance queen Mary's marriage with Bothwell, i. 341. attempts in vain a reconciliation between the queen and the confederate lords, 346. mediates a truce between the king and queen's party in Scotland, ii. 26.

Crown Matrimonial of Scotland, rights conveyed by the grant of, i. 131. is granted by parliament to the dauphin of France, 132. deputies appointed to carry it, but are prevented, 134. is demanded by Darnly, i. 285.

Cunningham, Robert, appears at the trial of Bothwell in name of the earl of Lennox, i. 328. demands a delay, which is refused, ibid.

Curle, one of queen Mary's secretaries, is seized, and carried prisoner to London, ii. 121. is produced an evidence against her, 125.

Darnly, Henry lord, thought of as a husband to queen Mary, i. 251. his right of succession considered, ibid. is permitted to visit the court of Scotland, 256. arrives there, and quickly gains the queen's heart, 257. his character, 259. disgusts several of the nobles, particularly Murray, ibid. cultivates a familiarity with David Rizio, ibid. is despised on that account, 261. grows intolerably insolent and haughty, 266. schemes to assassinate Murray, 26. a plot to seize and send him to England, prevented by the queen, ibid. evidences of this, 269, 270. his marriage with the queen celebrated, 271. is honoured with the title of king of Scotland, ibid. is implacable with respect to the exiled nobles, 279. loses the queen's affection by his untoward behaviour, 284. demands the crown matrimonial, 285. becomes suspicious of Rizio's ill offices with the queen, ibid. his resolution to be avenged of him encouraged by the nobles, 287. articles agreed on between them for that purpose, 288. heads the conspirators who perpetrate the murder, 289. confines the queen after it is committed, 290. prohibits the meeting of the parliament, ibid. makes his escape with the queen, 291. her hatred to him increases, 297. is neglected by her, and treated with little respect by the nobles, 301. resolves to leave Scotland, 302. his wayward and capricious behaviour, 303. he writes the reasons of his conduct to the queen, 304. his strange behaviour at the baptism of the prince, 312. a false reason alleged for this confuted, 313. retires to his father at Glasgow, 315. falls sick there, 317. conjectures concerning his distemper, ibid. is neglected by the queen, 318. she afterwards visits and expresses affection for him, 319. he is prevailed on by her to come to Edinburgh, 321. is lodged in a separate house, ibid. he is murdered there, 321, 322. his character, 322. a proclamation issued for discovering the murderers, 323. a remiss inquiry made into it, 324. captain Blackadder and three others executed on that account, 351. the confession of Morton, the regent, at his death, concerning the murder, ii. 67. a dissertation concerning his murder, ii. 247. paper of objections of the court of England against his marriage with queen Mary, Appendix, 324.

David the first, king of Scotland, his profusion to the church, i. 116.

——— the second, troubles during his minority, i. 28, 29.

Davison, sent into Scotland by queen Elizabeth, as a spy on the French ambassador, ii. 79. is sent to gain Arran's interest to queen Elizabeth, ii. 92. this he soon accomplishes, ibid. brings the warrant for queen Mary's death at queen Elizabeth's desire, 135. is charged by her with disobeying her orders, 144. is imprisoned, tried, and fined, and loses all favour, ibid.

Dessé, mons., is sent with a supply of forces to assist the French against the English in Scotland, i. 102. his success there, ibid.

Discipline in the church, the first book of, composed, i. 204. why objected against in a convention of estates, ibid. another attempt in favour of church discipline frustrated, ii. 70.

Douglas, the power and property of that family, i. 29. they aspire to independency, 30. William, earl of, murdered by king James the second, 44. his son endeavours to resent it, ibid. is forced to fly into England, 45.

———, William, queen Mary committed a prisoner to his castle of Lochleven, i. 351.

———, George, brother to the above, assists the queen in making her escape, i. 366, 367.

———, Archibald, one of Darnly's murderers, ii. 114. undergoes a mock trial for that crime, and is acquitted, 115. is sent ambassador to England, ibid. letter from him to the queen of Scots, App. ii. 341.

Drury, sir William, enters Scotland with an army to support the king's party, ii. 5. they join him, and drive off the queen's, ibid. he procures a truce between the king and queen's parties, 26, 27. comes with forces to assist Morton in besieging the castle of Edinburgh, 40. which is forced to surrender, ibid.

Drury, sir Drue, is appointed one of queen Mary's keepers, ii. 97.

Dudley, lord Robert, recommended by queen Elizabeth as a husband to queen Mary, i. 248. why a favourite of queen Elizabeth's, ibid. is highly promoted by her, ibid. 249. his situation extremely delicate, 249. becomes suspicious of Cecil, 250.
Dunbarton castle surprised, and taken in the king's name, by the regent, ii. 12, 13.
Dury, a minister of Edinburgh, banished from his charge by king James for his free invectives against the courtiers, ii. 72. after being restored, he is driven from it a second time, for approving the raid of Ruthven, 85.
Edinburgh, is taken and burnt by the English, i. 88. a great fray there between the French and Scots, 106. is seized by the reformers, 151. its inhabitants are terribly alarmed by the French, i. 173. a treaty there with the French and English, 189. a loan demanded of it by queen Mary, 276. which is granted for the superiority of Leith, 277. the treaty of, insisted on by queen Elizabeth, 313. is possessed by the queen's party, ii. 3. and fortified by them, 14. the city and castle hold out against the king's forces, 25. are reduced to great straits by famine, ibid. are relieved by a truce, 26. the citizens take up arms to promote the king's marriage, ii. 161. They rise again, and insult the king and his ministers on the murder of the earl of Murray, 163, 167. assist the king against Bothwell, 176. a violent tumult there on account of the clergy, 188, 189. they are severely punished for it by the king, 191. their ministers return to their charges, 194. divided into parishes, and number of ministers increased, ibid. they decline publishing the account of Gowrie's conspiracy, 215, 216. all except one, who is banished, are persuaded by the king to do it, 216.
Edward the first, of England, destroyed the public archives of Scotland, i. 5. is made umpire between Bruce and Balliol, 10. has art to acquire the superiority of Scotland, 11. his wars with the Scots under Robert Bruce, 12.
Eglinton, earl of, is prevailed on to join the king's party, ii. 17.
Elizabeth, her peaceable accession to the crown of England, i. 134. supports the congregation in Scotland, i. 171, 172. is sparing in her supplies, 172. resolves to support them on a second application, 176. her good conduct in matters of importance, 177. motives that determined her to assist them, ibid. 178, 179. her deliberate and resolute conduct, 181. sends a strong fleet to their assistance, ibid. concludes a treaty with them, 182, 183. her right to the crown of England asserted by Francis and Mary in France, 190. obtains advantageous terms for the Scots, ibid. is solicited by the parliament of Scotland to marry the earl of Arran, 199. this she declines, ibid. the seeds of her discontent with queen Mary, 208, 209, 210. her jealousy of the succession, ibid. her excessive vanity, and jealousy of Mary's beauty, 212. her dissimulation to her, 213. refuses her a safe-conduct, ibid. evidences that she had no intention to molest Mary in her passage to Scotland, 214, 215. sends to congratulate her arrival in Scotland, 220. refuses a concession made by queen Mary, ibid. her jealousy of her right betrayed her into mean actions, 221. her resemblance to Henry the seventh, ibid. a personal interview with queen Mary proposed, 238. she artfully declines it, 239. her views in regard to queen Mary's marriage, 242. assumes a disagreeable authority, 243. names one for a husband to queen Mary, 248. the different qualifications of her ministers and favourites, 248. dissembles with queen Mary about her marriage, 249. and likewise with regard to lord Darnly, 252. affronts queen Mary by her insinuation concerning Lennox, 253. is perplexed about the marriage of the Scottish queen, 256. permits Darnly to visit the court of Scotland, ibid. affects to declare against queen Mary's marriage to him, 261. her reasons for this conduct, 261, 262. her great dissimulation in that affair, 267. her harsh and deceitful behaviour to Murray and his associates, who had fled to her, 275. is struck at hearing of the birth of James the sixth, 300. consents to stand godmother to him, ibid. the parliament address her to settle the succession, 306. this greatly embarrasses her, 307. she sooths and gains her parliament, 309. endeavours to accommodate her differences with Mary, 313. writes to her to delay the trial of Darnly's murderers, 328. interposes in her behalf when a prisoner, 352, 353. her ambas-

sador is refused access to queen Mary, 355. she offers assistance to the other nobles, ibid. her deliberations concerning the disposal of queen Mary on her arrival in England, 373. resolves to detain her there, 375. her motives to this conduct, ibid. 376. sends her letters of condolence, and gives orders to watch her conduct, 376. she gladly accepts the office of umpire between her and her subjects, 377. receives a very pressing letter from queen Mary, 380. her precautions against her, ibid. appoints commissioners to hear queen Mary and her accusers, 385. her important situation on that occasion, 386. her views in this affair, 387. receives the regent's demands, 390, 391. removes the conference to Westminster, 392. her mean artifices to get the evidence of queen Mary's guilt from the regent, 398. treats her with great rigour, ibid. writes a harsh letter to queen Mary, 399. she dismisses the regent without approving or condemning him, 400. but secretly supports his party, 401. makes proposals to the regent in Mary's favour, 404. Norfolk's project concealed from her, 405. discovers and defeats a rebellion in queen Mary's favour, 409, 410. resolves to deliver her up to the regent, 414. her great concern at his death, ii. 1. continues to encourage factions in Scotland, 2. her political conduct with regard to Lennox, 5—7. is excommunicated and deprived of her kingdom by the pope, 6. supports the king's party in Scotland, and names Lennox to be regent, 7. proposes a treaty of accommodation between queen Mary and her subjects, 8. procures a cessation of hostilities, ibid. sends proposals to queen Mary, ibid. her artifices in the conduct of this affair, 10. appoints commissioners to frame a treaty, ibid. finds a pretence to render their meeting fruitless, 11. a marriage proposed between her and the duke of Anjou, 20. declares openly against the queen's party, 24. concludes a treaty with France, 26. her motives for negotiating a peace between the two parties in Scotland, 36. is jealous of Cecil's interview with queen Mary, 42. negotiates a treaty between Morton and his adversaries, 54. her answer to king James's demand of a possession of an estate in England, ibid. 55. a marriage between her and the duke of Alençon proposed, 57. interposes in behalf of Morton, 61. her measures in order to save him, 63. countenances the conspirators at Ruthven, 76. is alarmed at a conspiracy against her, 90. the designs of queen Mary's adherents against her, 91, 92. endeavours to recover her interest in Scotland, and gains Arran to her interest, 92. amuses queen Mary with a fruitless negotiation, 94. a new conspiracy against her, 95. an association formed for her defence, 96. her suspicions of queen Mary, 97. her life endangered by a conspiracy, 101. this how discovered and prevented, 102. occasions an extraordinary statute for her preservation, ibid. is in a dangerous situation from the progress of the holy league, 105, 106. endeavours to form a confederacy of the protestant princes, 107. and to proceed with rigour against queen Mary, ibid. advances her interest in Scotland, and proposes a league with it, 108. settles a pension upon king James, ibid. concludes a treaty with Scotland, 113. account of Babington's conspiracy against her, 115—117. her dissimulation after queen Mary's conviction, 129, 130. her answer to king James's intercession for her, 132. her further dissimulation and anxiety, 135. signs the warrant for her execution, ibid. her speech to Davison on that occasion, 137. affects to lament queen Mary's death, 143. several marks of her artifice in that affair, 144. she endeavours to sooth king James, 145. provocations given by her to Spain, 153. prepares to meet its resentment, ibid. 154. endeavours to secure Scotland, ibid. tries to prevent king James's marriage, 161. solicits him to treat conspirators against him with rigour, 170. evades the decision of king James's right of succession to the crown of England, 197. is disgusted at several of his proceedings, 198. discovers his correspondence with the pope, 199. fresh grounds of her suspicion, 220. her conduct with regard to the earl of Essex, 222—224. her irresolution concerning his death, 224. and great concern after it, ibid. receives ambassadors from king James with regard, and increases his subsidy, 225. her last illness, 228. conjectures concerning the causes of her melancholy, 228, 229. her death, 230. and character, 231. declared the king of Scots her successor, 232. some of her letters, Appendix, ii. 317, 335, 344, 345, 350, 359, 361, 371, 385.

Elphingston, secretary to king James the sixth, deceives him into a correspondence with the pope, ii. 200. is tried, and found guilty of high treason, ibid. and pardoned on the queen's intercession, ibid.

England, the English seize, and detain king James the first of Scotland long a prisoner, i. 29. the nobles there humbled, 32. had early two houses of parliament, 66. they invade Scotland, 88. their depredations there, ibid. 89. a peace between England, France, and Scotland, 91. invade Scotland again, 98. gain a great victory, ibid. 99. it proves of little advantage to them, 100. they force the Scots into a closer union with France, 101. conclude a peace, 104. an English fleet arrives in Scotland to assist the congregation, i. 181. a peace concluded between them, 182, 183. they enter Scotland, and besiege the French in Leith, 183. are several times repulsed, 185. causes of their bad success, ibid. articles of a treaty of peace, 189. they quit Scotland, 192. reflections on the right of succession to their crown, 209—212. the parliament favours queen Mary's right of succession, 306. a league between England and France, ii. 26. between England and Scotland, ii. 113.

Entails, with what view introduced, i. 20.

Episcopal government in the church, some account of it, i. 202. an attempt to revive it, ii. 33, 34. it is abolished by the assembly, 70. jurisdiction abolished, 167. See Archbishops.

Errol, earl of, one of the heads of the Spanish faction, ii. 154. his offers of service to the king of Spain, 158. appears in rebellion, 160. is forced to submit to the king, ibid. imprisoned for a short time, ibid. joins in another conspiracy, 169. is summoned by the king to surrender, 170. offers to submit to a trial, 174. sentence pronounced against him, ibid.

Erskine, of Dun, is employed by the queen regent to deceive the protestants, i. 143. his resentment of this usage, 144.

———, lord, governor of Edinburgh castle, acts a neutral part between the queen regent and the congregation, i. 174. receives the queen regent into the castle, 184. is created earl of Mar, 235. See Mar.

———, Alexander, has the chief direction of the education of king James the sixth, ii. 47. admits some of the nobles to make complaints to him against Morton the regent, 49. is turned out of Stirling castle by his nephew the earl of Mar, 52.

Esneval, the French envoy, endeavours to obstruct a treaty between England and Scotland, ii. 113.

Essex, earl of, set up by the English papists as a candidate for the crown, ii. 179. heads a party in England, 219. his character, ibid. is greatly distinguished by the queen, 220. favours the king of Scots, ibid. obtains the offices of lord lieutenant and commander in chief in Ireland, ibid. is unsuccessful in that expedition, ibid. receives a harsh letter from the queen, 221. returns to England, and is confined, ibid. is tried, and censured, ibid. endeavours to spirit up king James, 221, 222. his rash and frantic conduct, ibid. is again taken into custody, 223. his death, 224. his son and associates are restored to their honours after the accession of king James, ibid.

Europe, the state of, at the beginning of the sixteenth century, i. 70.

Excommunication, a terrible engine of the popish clergy, i. 120.

Felton, an Englishman, fixes the pope's excommunication of queen Elizabeth on the gates of the bishop of London's palace, ii. 6.

Fénélon, m. de la Motte, sent by the French king to interpose for king James when confined by the Ruthven conspirators, ii. 79. is forced to return without success, 80.

Feudal government, its origin and aristocratical genius, i. 13, 14, 15. causes which limited the power of feudal monarchs, 15. feudal vassals liable to few taxes, 16. a remarkable instance of the feebleness of feudal government, 18. the most perfect idea of the feudal system, how attained, 37. state of it in England, 63—65. and in Scotland, 63—68.

Fife, a populous and powerful county, much devoted to the congregation, i. 180. is destroyed and plundered by the French, ibid. the synod of, excommunicates the archbishop of St. Andrew's for contumacy, ii. 112. they excommunicate the popish lords, 173.

Flowden, the battle of, i. 51.
Forbes, lord, with the earl of Argyll, is sent against the popish lords, ii. 177. are defeated by them, 178.
Fordun, John de, his history of Scotland, when wrote, i. 6.
Forster, sir John, warden of the English border, a scuffle between him and the Scots, ii. 109.
Fotheringay, castle, queen Mary's imprisonment, trial, and death, there, ii. 121—140.
France, the consequences of the subversion of the feudal government there, i. 70. a body of French arrive in Scotland to support the catholics, 96. they reduce the castle of St. Andrew's, ibid. another party of them arrive there, 102. their transactions there, ibid. conclude a peace with England, 103. their politic conduct, 104. they leave Scotland, 105. their artifices in a treaty of marriage between the dauphin and the queen of Scots, 129. the protestants endeavour to expel the French army out of Scotland, 155. another party of them arrive there, and fortify Leith, 162. they exasperate the people by their insolence, ibid. they are sent against the congregation, 180. they destroy and plunder Fife, and are much harassed by parties of the congregation, ibid. 181. are greatly alarmed by the arrival of the English fleet, 182. they return to Leith greatly harassed and exhausted, ibid. are besieged there by the English and the congregation, 184. they gain several advantages, 185. their motives for concluding a peace, 187. negotiations for that purpose, 188, 189. articles of the treaty, 189. they leave Scotland, 192. the French advise queen Mary to moderate measures, 206. their proposals by an ambassador rejected, ibid. they agree to queen Mary's marriage with lord Darnly, 258. the licentiousness of their morals, 319, 320.
———, king of, a copy of his directions sent to Scotland, App. ii. 398.
Francis the first gives a check to the ambitious projects of Charles the fifth, i. 73. his fidelity to the Scots, 92. his death, 96.
——— the second comes to the crown of France, i. 158. his character, ibid. he treats the protestants with great rigour, 188. is guided by the duke of Guise and cardinal of Lorrain, 199. his death, ibid.
Giffords, doctor and Gilbert, their notion concerning the lawfulness of killing heretical excommunicated princes, ii. 115. they join in a conspiracy to kill queen Elizabeth, ibid. Gilbert being gained by Walsingham, betrays his associates, 117. is employed to carry on a foreign correspondence with queen Mary, 118, 119.
Glamis, lady, is condemned to be burnt for witchcraft, i. 57.
———, lord chancellor, intimates the king's order to Morton to surrender the regency, ii. 49. is killed in a rencounter at Stirling, 51.
———, the tutor of, joins the conspirators of Ruthven, ii. 74. his bold speech to king James, ibid. he with the other conspirators seize the castle of Stirling, and erect their standard, 87. he is attainted, and his estate forfeited, 93.
Glasgow, bishop of, a note of his concerning the queen of Scotland's dowry, Appendix, ii. 392.
Glencairn, earl of, joins the Ruthven conspirators, ii. 74.
Glenlivat, the battle of, ii. 178.
Gordon, sir John, a scuffle in the streets of Edinburgh between him and lord Ogilvy, i. 232, 233. being confined for it, he makes his escape, ibid. when ordered by the queen to surrender himself, he takes up arms against her, 234. is defeated, and together with his brother made prisoner, 236. he is beheaded, and his brother pardoned, 237.
———, lord, set at liberty, i. 272.
———, sir Adam, exerts himself for the queen's interest in the north, ii. 25. his character and good conduct as a soldier, 27.
Gowrie, earl of, joins in a conspiracy to seize the king at Ruthven, ii. 74. is visited and pardoned by the king after his escape, 81. becomes suspected, and is ordered for France, 87. delays his voyage, and is taken into custody, ibid. he is tried and executed, 88.
———, John and Alexander, sons of the above, their character and conspi-

racy, ii. 203. the surprising circumstances of that remarkable transaction, 203—208. several different conjectures concerning it, 208—215. their dead bodies brought into parliament and condemned, 217. their estates and honours forfeited, and name abolished for ever, ibid. different accounts of this affair published, but not satisfactory, 217—219. See Ruthven.

Graham, sir David, of Fintray, accused of a conspiracy with the popish lords in favour of Spain, ii. 169. is convicted and beheaded, 170.

Gray, master of, some account of him, ii. 97, 98. he becomes a favourite of king James the sixth, 98. is gained to queen Elizabeth's interest, 98. betrays queen Mary, ibid. persuades king James to write a harsh and undutiful letter to her, 104. joins with others in promoting queen Elizabeth's interest in Scotland, 108. his treachery when sent to intercede for queen Mary, 134. his baseness discovered, he is disgraced, 147. acts in Italy as a spy from the court of England, 199. a memorial of his for his majesty, Appendix, ii. 424. to the secretary of state, 427.

Guise, duke of, his violent counsels with regard to the Scots, i. 157. is murdered at the siege of Orleans, i. 241.

———, his intrigues against queen Elizabeth, ii. 91. is principal promoter of the holy league, 106, 152. drives the French king out of his capital, ibid.

Haddingtoun, seized and fortified by the English, i. 101. is relieved by the French, 103.

Hamilton, the rise of that family, i. 31. arbitrary proceedings of Morton the regent against it, ii. 56. See Chatelherault.

———— of Bothwellhaugh, taken prisoner at the battle of Langside, i. 381. is tried and condemned for rebellion, ibid. obtains a pardon from Murray the regent, by the intercession of Knox, ibid. an account of his murdering Murray, 415, 416. makes his escape, 416. is received in triumph at Hamilton, ii. 1.

————, Mr. Patrick, the first who suffered in Scotland for the protestant religion, i. 135.

Hertford, earl of, invades Scotland with an English army, i. 88. instructions of the privy council to, 89, 90. burns Edinburgh and Leith, 88. is made duke of Somerset, and protector of England, 98. See Somerset.

Hatton, vicechamberlain of England, the argument by which he prevailed on queen Mary to plead at her trial, ii. 124.

Henry the second of France, sends forces to assist the Scots, i. 90. a marriage proposed between his son the dauphin and the young queen of Scots, 102. excites the Scots to invade England, 125. his infamous imposition on queen Mary in the treaty of marriage, 129. persuades his son and queen Mary to assume the titles of king and queen of England, 139.

—— the third degenerates greatly on his accession to the crown of France, ii. 105. enters into a private negotiation with queen Elizabeth, 107. interposes feebly in behalf of queen Mary, 130, 131.

—— the eighth of England, by his system of reformation becomes formidable both to papists and protestants, i. 57. proposes an interview with king James the fifth, 58. is disappointed by him, and declares war against Scotland, ibid. invades it, but is forced to retreat, 60. his importance as to the balance of power in Europe, 73, 74. his influence in Scotland how obtained, 75. his schemes with regard to it on the death of James the fifth, 79, 80. were ill-conducted by himself, and odious to the Scots, 80. his treacherous seizure of Scots ships that took shelter in his ports, 82. attempts to gain the regency by great promises, 84, 85. invades Scotland, 88. this being ill conducted turns to no account, 88, 89. receives and rewards the earl of Lennox, 90. encourages the murderers of cardinal Beatoun, 94. his death and character, 95, 96. his inconsistent conduct, 139. excluded the Scotch line by his testament, ibid.

Herries, lord, joins Chatelherault in opposing the regent, i. 402. comes to a treaty with him, ibid. he and the duke are committed prisoners to the castle of Edinburgh, 403. intimates the king's order to Morton to resign the regency, ii. 49. account of his behaviour in parliament, Appendix, ii. 305. a letter from him to lord Scroop and sir F. Knollis, 367.

Hickford, secretary to the duke of Norfolk, betrays him by discovering his intrigues with queen Mary, ii. 23.
Highlands and isles, an attempt to civilize them by king James the sixth, ii. 226, 227. regulations for that purpose, ibid. three towns endued with the privileges of royal boroughs ordered to be built there, 227.
Hodgson, a priest of Rheims, maintained the lawfulness of killing heretical excommunicated princes, ii. 115.
Home, Alexander, lord, thwarts the measures of the duke of Albany, regent, i. 31.
———, lord, sent by king James the sixth, with a secret embassy to the pope, ii. 201.
Howard. See Norfolk.
Hunsdon, lord, governor of Berwick, his interview with Arran, ii. 93.
Huntly, earl, though a catholic, joins the reformers in opposing the French army, i. 156. assists them only with fair promises, 174. his further concurrence with them, 185, 186. some account of that family, 231. his enmity against the young queen's ministers, ibid. his resentment inflamed by an accident, 232, 233. appears in an open rebellion against the queen, 235. his plot against her ministers disappointed, ibid. breaks out into open rebellion, 236. is trodden to death in a battle, 237. his family prosecuted with the utmost rigour, ibid. several anecdotes and conjectures concerning his plot, 237, 238. is attainted by parliament, 244. the attainder repealed, and the family restored to estate and honours, 330.
———, his attachment to Bothwell, i. 326, 334. refuses to submit to the regent, 403. is forced to do it, ibid. acts as lieutenant to the queen after the regent's murder, ii. 4. is proclaimed a traitor by Lennox, the new regent, 7. receives some money and promises of assistance from Spain, 8. agrees to a treaty with Morton the regent, 39. is one of the heads of the Spanish faction, ii. 154. engages to the prince of Parma to serve the king of Spain, 158. is imprisoned for a short time, 160. erects a standard of rebellion, ibid. but forced to submit to the king, ibid. is again imprisoned, ibid. is soon set at liberty, ibid. receives a commission from the king, 166. his barbarous murder of the earl of Murray, ibid. is summoned to surrender to justice, 170. Flies to the mountains, ibid. offers to submit to trial, 174. sentence pronounced against him, ibid. refuses to submit, 175. makes another desperate attempt, but is forced to fly, 178.
Inverness castle, refuses to surrender to queen Mary, i. 235. it is forced, and the governor punished, ibid.
Italy, the liberty of, how preserved, i. 71.
James the first was detained long a prisoner in England, i. 29. troubles in Scotland during that time, 30. was much improved by an English education, 39. his policy on his return to Scotland, 40. his character, 41. suppresses the power of the nobles, 42. they, being exasperated, conspire against and murder him, 43.
——— the second's troubles in Scotland during his minority, i. 30. his attempts against the nobles, 43, 44. murders the earl of Douglas, 44. procures several good laws to be passed, 45. reduces the power of the nobles, 45, 46. his death, 46.
——— the third, the state of Scotland during his minority, i. 30. his impolitic conduct, 46, 47. kills one of his brothers, and is invaded by another, 47, 48. is greatly insulted by his nobles, 48. his despicable minions, ibid. was the first that appointed a standing guard to his person, 49. the nobles are provoked to take arms against him, 50. is killed in a battle against them, ibid. his character, ibid.
——— the fourth, his character, i. 51. is killed in a battle against the English at Flowden, 51, 52.
——— the fifth, his minority long and turbulent, i. 31. transactions during that time, 52. assumes the government while very young, 53, 54. his character, ibid. his scheme for humbling the nobles, 54—57. is diverted from it by the clergy, 59. takes arms for the defence of his kingdom, ibid. his nobles refusing to follow him, throws him into a deep melancholy, 60. which is in-

creased by a surprising defeat of his forces, 61. his death, 62. reflections on his conduct, ibid. he refused an alliance with Charles the fifth, emperor, 75.
James the sixth, his birth, i. 300. his baptism, 312. the care of him committed to the earl of Mar, 325. is by him preserved from falling into the hands of Bothwell, 342. is crowned, 358. the nobles, oppressed by Morton the regent, turn their eyes to him for redress, ii. 47. his education and dispositions, ibid. 48. he becomes suspicious of the regent's power, 48. discovers early a great attachment to favourites, 58. adopts two of different dispositions, 58, 59. enters Edinburgh with great solemnity, 59. is by his favourites engaged in unpopular measures, 72, 73. is seized by a party of nobles at Ruthven, 74. and forced to receive complaints against his favourites, ibid. dissembles with them, and banishes Lennox, 75. is brought to Stirling and Holyrood-house, 77. his concern for Lennox's death, and regard for his memory, 78. receives the French ambassador with great respect, 79. makes his escape from the conspirators, 80. resolves to treat them with moderation, 81. visits Gowrie, and grants him a pardon, ibid. 82. renews his fondness for Arran, 82. is by him persuaded to violent measures against the conspirators, ibid. his answer to a haughty letter from queen Elizabeth on their behalf, 83. is by her interposition rendered more violent against them, 84. is provoked by the clergy, 85. his steps to humble them, 88, 89. his profusion to Arran, 93. sends a new favourite to England against the banished lords, 97, 98. devolves the whole regal authority on Arran, 99. writes an undutiful letter to his mother, 104. is threatened to be disinherited by her, ibid. 105. receives a pension from queen Elizabeth, 108. is reconciled to the exiled lords, 111. becomes popular by concluding a treaty with England, 113, 114. his scandalous behaviour with regard to Arch^{d} Douglas, 114, 115. his endeavours to save his mother's life after long condemnation, 131. is greatly incensed at her death, 145. arguments used by the English minister to pacify him, ibid. is forced to stifle his resentment, 146. attempts to unite the nobles, 148. is courted both by Spain and England, 153, 154. resolves vigorously to adhere to the latter, 154. takes several steps with that view, ibid. his skill in the popish controversy, 159. wrote a commentary on the revelations, ibid. his maxims with regard to popery, ibid. his excessive lenity to conspirators against him, 159, 160. resolves to marry the princess of Denmark, 161. arts used to prevent it, ibid. the marriage is consummated in Norway, ibid. passes several months in Denmark, ibid. reflections on his conduct there, 163. his arrival in Scotland with his queen, 164. indulges the presbyterians, ibid. the ill consequences of his lenity, 165. his zeal against witchcraft, ibid. 166. is solicited by queen Elizabeth to treat the conspirators against him with rigour, 170. is suspected of conniving with them, 171. is surprised and seized by Bothwell, 172. and forced to comply with his terms, ibid. his lenity to Bothwell abused, 173. is suspected of favouring the popish lords, ibid. is in new danger from them, 176. delegates his authority to Argyll and Forbes against them, 177. goes in person against them, 178. wastes their lands, and garrisons their castles, ibid. his right of the succession to the crown of England opposed by the papists, 179. his lenity to them incenses the clergy and people, 182, 183. is much provoked by the obstinacy of the clergy, 185. gives orders against them, 187. is much insulted, and in great danger at Edinburgh, 187—189. leaves Edinburgh, and proceeds with severity against the citizens, 190, 191. acquires absolute dominion in ecclesiastical affairs, 191. strengthens his interest in parliament by restoring the seats of the ecclesiastics, 195, 196. endeavours with success to gain a party in England, 197. increases his reputation by publishing his Basilicon Doron, 198. is accused by queen Elizabeth of corresponding with the pope, 199. this he denies, and how accounted for, ibid. 200. other reports concerning this, ibid. is at great pains to gain the Roman catholics, 201. his regulations with regard to the church, 201, 202. the mysterious affair of Gowrie's conspiracy, 202, 218. his cautious behaviour in regard to the earl of Essex, 222. sends ambassadors to save him, 223. they arrive too late, ibid. he restores his son and associates

to their honours after his accession, 224. continues his intrigues in England, ibid. 225. his interest greatly strengthened there, ibid. endeavours to civilize the highlands and isles, 226, 227. is proclaimed king in England after the death of queen Elizabeth, 232. is proclaimed likewise in Scotland, 233. prepares for his journey to England, 234. enters London and takes possession of the throne, ibid. his character how different from that of queen Elizabeth, 235. a letter from him to Mr. Archibald Douglas, Appendix, 421. curious letter to him from an unknown English correspondent, 437.

Keith, sir William, sent to intercede for queen Mary when under sentence, ii. 131. letter to him from secretary Maitland, Appendix, 421.

Kent, earl of, appointed to see the sentence against queen Mary executed, ii. 137.

Ker, of Fernherst, ravages England on the murder of Murray the regent, ii. 1. his design, ibid. has a scuffle with the English, 109.

——, George, brother to lord Newbattle, is discovered when ready to sail to promote a plot in Spain, ii. 169. his scheme opened, ibid. escapes out of prison, 171.

Killigrew, Henry, his declaration on the peace, Appendix, ii. 391.

Kings, feudal, the most limited of all princes, i. 14. general causes of this, 15. their revenues were but small, ibid. 16. had no standing armies, 17. and jurisdiction limited, 18. means used to extend the royal authority, 33. their jurisdiction enlarged, 35. the extraordinary influence of the Scottish kings in parliament, 63. the reason of this, ibid.

Kirkaldy of Grange, one of the murderers of Beatoun, is recalled by the queen dowager, i. 127. his attainder reversed in parliament, i. 244. offers to fight Bothwell in single combat, 347. his interview with queen Mary, in the name of the confederate lords, ibid. rescues Maitland from confinement, 411. labours to support the king's authority, and restore harmony after the murder of the regent, ii. 2, 3. accedes to the queen's party, 3. provides for a siege by increasing his garrison and fortifying Edinburgh, 14. proclaims Lennox's authority unlawful and usurped, ibid. 15. attempts in vain to prevent a meeting of the parliament, 15. forms a scheme for surprising the king's party, 18. is at first successful, but afterwards defeated, ibid. comes near to an agreement with Mar the regent, 31. a treaty with Morton breaks it off, 37, 38. fires upon Edinburgh from the castle, 38. is besieged by the regent, assisted by the English forces, 39. is forced by mutiny of the garrison to capitulate, 40. surrenders to Drury the English general, ibid. is, by order of queen Elizabeth, delivered up to the regent, 42. he and his brother are executed, ibid.

Knollys, sir Francis, sent by queen Elizabeth with letters of condolence to queen Mary on her arrival in England, i. 376. some of his letters, Appendix, ii. 366, 372, 376.

Knox, John, a famous reformer, his character, i. 107. after being some time abroad, he is recalled by the persecuted protestants, 144. inflames the multitude at Perth with rage against the papists, ibid. 146. his notion concerning the government of women, whence, 149. his residence fixed in Edinburgh, 153. complains of the lukewarmness of the reformers, 165. his opinion to the convention of reformers, that it is lawful to resist and deprive tyrannical princes, 167. animates and revives the desponding congregation, 176. complains of the neglect of the reformers in providing maintenance for their preachers, 197. recommends the Geneva model of church government, 203. proposes superintendents in the church, ibid. composes the first book of discipline, 204. renounces friendship with the earl of Murray for his moderation, 245. is tried for encouraging a mutiny among the people, and acquitted, 246. popish judges concur in this decision, 247. is publicly accused by Maitland of preaching seditious doctrine concerning resistance, 255. character of the two disputants, ibid. approved of several instances of assassination, 296. agrees to some regulations concerning the election of bishops, ii. 34. his death and character, 34, 35. his eulogium by Morton the regent, 36. articles sent by him to the general assembly, Appendix, 390.

Langside, the battle of, i. 370.
Laurea, cardinal, is sent as a nuncio from the pope with a present to queen Mary of Scotland, i. 310. is stopped at Paris, 311.
League, holy, a confederacy of Roman catholics so called, ii. 106. was universally agreed to by them all over Europe, ibid.
Learning, the revival of, promotes the reformation, i. 114.
Leicester, earl of, appointed a commissioner to the conference at Westminster, i. 394.
Leith burnt by the English, i. 88. fortified by the French, 162. besieged by the English, 183. queen Mary lands there from France, 215. the superiority of it granted by her to Edinburgh, 277. is seized and fortified by Morton the regent, ii. 15.
Lennox, earl of, arrives in Scotland from France, i. 83. is much courted by cardinal Beatoun, ibid. his pretensions to the succession, how founded, 86. resents Beatoun's deceitfulness to him, 87. heads the reformers and the advocates for the English alliance, ibid. surprises the regent and cardinal, ibid. is outwitted by the cardinal, 88. continues alone in the interest of England, 90. is forced to fly to that court, where he is rewarded, ibid. is married to a niece of king Henry, by which he became father to a race of kings, ibid. his claim to the succession, 251. is imprisoned for a secret correspondence with queen Mary, 252. is invited secretly by her to return to Scotland, ibid. arrives in Scotland, and is received with great familiarity by her, 254. his forfeiture is repealed, and he is restored to his estate and honours by the parliament, ibid. his lady sent prisoner to the tower of London, 263. and treated with rigour, 267. he insists on the prosecution of his son Darnly's murderers, 324. charges Bothwell with it, ibid. the prosecution is hurried, 325. he craves a delay, which is refused, 327. solicits queen Elizabeth's interest to obtain a delay, ibid. insists on it by proxy at the trial, but is overruled, 328. being apprehensive of danger, he flies towards England, 330. his countess accuses queen Mary of the murder to queen Elizabeth, 378. he appears at the conference at Westminster, and accuses queen Mary of the murder upon oath, 396. returns to Scotland protected by an English army, ii. 5. is elected regent, 7. his progress against the queen's party, ibid. appoints commissioners to frame a treaty with those of the queen, 10. surprises Dunbarton castle, 12, 14. joins the earl of Morton at Leith, 15. holds a parliament in the Cannongate, ibid. another at Stirling, 17. he is surprised and killed there, 19.
Lennox, lord d'Aubigné, his character, ii. 58. joins with the king's other new favourite to undermine Morton, 59. renounces popery, 60. queen Elizabeth demands him to be removed from the privy council, 61. is accused by her ambassador, 64. Arran tries in vain to supplant him, 69. is commanded by king James, at the request of the nobles, to leave the kingdom, 76. puts off his departure on various pretences, ibid. returns unwillingly to France, where he soon dies, 77, 78. his memory vindicated, and much regarded by the king, 78. died a protestant, ibid.
———, earl of, left as the king's lieutenant in the north after dispersing the popish lords, ii. 178.
Lesly, Norman, murders cardinal Beatoun, i. 92. he and his associates keep possession of the castle of St. Andrew's, 93. makes a truce with the regent, 94. are encouraged by Henry the eighth, ibid.
———, bishop of Ross, is sent by the Catholics to engage queen Mary in their interest, i. 205. his proposals to her rejected, 206. his negotiations in England in favour of queen Mary, ii. 22. is confined long in the tower, and afterwards is banished England, 23.
Lindsay, lord, carries the proposal from the confederates to queen Mary, that she should resign the government, i. 357. joins the Ruthven conspirators, ii. 74.
Lochlevin castle, queen Mary committed a prisoner there, i. 351. her escape from thence, 366.
———, lord, letters to and from him, Appendix, ii. 393.
Logan of Restalrig, an alleged accomplice in Gowrie's conspiracy, ii. 208. is tried, and his estate forfeited long after his death, 209, 210.

Lords, confederates, associate against Bothwell and queen Mary, i. 343. raise forces against them, 344. publish the motives of their conduct, 345. prevail on the queen to surrender to them, 348. assume the title of lords of the secret council, and the royal authority, 351.

——, popish, conspire against king James, ii. 158. are treated by him with great lenity, 159. form a new conspiracy, 169. the king proceeds against them, 170. more of his lenity to them, 173. fresh dangers from them, 176. they receive money from Spain, 177. zeal of the clergy against them, ibid. are declared guilty of treason, and their estates forfeited, ibid. defeat of the king's army, 178. are dispersed on the king's approach, ibid. go abroad, and give security to keep the peace, 179. return to Scotland, and petition for leave to reside in their own houses, 183. this granted by a convention of estates, ibid. recant their errours, and are absolved from excommunication, 194. relapse, and are again reconciled to the church of Rome, ibid. are restored to their estates and honours, ibid.

Lorrain, cardinal, gets some of the best benefices in Scotland, i. 134.

———, princes of, their ambitious views, i. 138. instigate the dauphin and queen Mary to take the titles of king and queen of England, 139. resolve to invade England, 140. and to check the reformation in Scotland, ibid. the cardinal's great influence over the young king, 158. drives the queen regent of Scotland to violent measures, 164. their violences occasion a conspiracy against them, 188. are forced to withdraw their troops from Scotland, ibid. they insult the Scottish ambassador, 198. have great power over the young king and queen, 199. are forced to contract their views on the death of the king, 201.

Luther, a bold and principal promoter of the reformation, i. 115. the rapid progress of his doctrine, ibid.

Major, John, his history of Scotland, some account of, i. 6.

Maitland of Lethington, secretary to Mary queen regent, leaves her service, and joins the congregation, i. 175. his character, ibid. is sent by them ambassador to queen Elizabeth, 176. sends the Scotch assurances of her protection, 179. is sent by queen Mary to the court of England, 220. makes a concession to queen Elizabeth, ibid. accompanies queen Mary in a progress to the north, 233. he is employed by queen Mary to desire a personal interview with queen Elizabeth, 238. publicly accuses Knox of preaching seditious doctrine concerning resistance, 255. intimates to queen Elizabeth the intentions of queen Mary to marry Darnly, 261. prudently conceals her resentment from queen Elizabeth, 263. proposes moderate measures with regard to queen Mary when imprisoned, 356. attends the regent when called on to accuse her in England, 385. he disapproves of this measure, ibid. his intrigue with the duke of Norfolk, 389, 405, 406. is imprisoned by the regent, 410. is relieved by Kirkaldy, and secured in the castle, 411. proposes a coalition of the two parties after the murder of the regent, ii. 2. accedes to the queen's party, 3. is deprived of his office of secretary, and proclaimed traitor, 7. is attainted in a parliament of the king's party, 15. his views in refusing a reconciliation with Morton the regent, 37. rejects overtures of a treaty with him, ibid. is besieged by him in the castle of Edinburgh, 40. is forced to capitulate and surrender to the English general, ibid. to avoid the regent's resentment, he despatches himself, 42. several of his letters, Appendix, ii. 383, 421.

————, sir John, is made secretary for Scotland, ii. 108. concurs with others in promoting queen Elizabeth's interest there, ibid. attempts against him by captain James Stewart, late Arran, 147. they prove abortive, and he is advanced to be chancellor, 148. an attempt to remove him from that office frustrated, 160. his death, 180. a copy of verses in honour of him wrote by the king, ibid.

Mar, earl of, that title conferred on the prior of St. Andrew's, i. 232. accompanies the queen in a progress to the north, 233. he and his associates narrowly escape assassination, 234. is created earl of Murray, 235. See Murray.

——, the title is conferred on lord Erskine, i. 235. the person of the young prince put into his hands, 325. his resolution in preserving him from Both-

well, 342. is chosen regent, ii. 19. labours to bring about a general peace, 31. is thwarted by Morton and his associates, ibid. dies of melancholy, ibid. his character, ibid. his merit and integrity were acknowledged by both parties, ibid.

Mar, the young earl, being imposed on by Morton, turns out his uncle from the castle of Stirling, ii. 52. joins the Ruthven conspirators, 74. he with the others seizes Stirling castle, and erects their standard, 87. is attainted, and his estate forfeited, 93. is pardoned, and restored to his estate and honours, 111.

March, countess of, her infamous marriage with the earl of Arran, ii. 68.

Mary of Guise, queen dowager of Scotland, takes a considerable share in the government, i. 101. is much addicted to the French interest, ibid. projects a marriage of her daughter to the dauphin of France, 102. becomes instrumental in promoting the reformation, 109. aspires to the office of regent, ibid. promotes disaffection to the present one, and favours the reformers, 110. visits the court of France, ibid. returns to Scotland to take possession of the regency, 112. after some opposition she obtains it, 113. confers several offices of trust upon strangers, 123, 124. proposes to lay a tax upon land, 125. is forced to drop it, ibid. tries in vain to excite a war with England, 125, 126. the nobles vigorously oppose her measures, 127. treats the reformers with great respect, ibid. obtains a concession from the parliament in favour of the dauphin, 132. her artful management of the reformers, 133. bestows the vacant benefices on foreigners, 134. she alters her conduct to the reformers, 141. remonstrances against the violent measures of the princes of Lorrain, ibid. is persuaded by them to persecute the reformers, 142. her rash answer to their remonstrance, ibid. summons their preachers to appear before her, 143. breaks a promise she had made them, 144. marches with an army against them, 145. concludes a treaty with them, 146. this she again breaks, 147. her severity at Perth, ibid. her scheme discovered, ibid. she goes to attack them, 148. has again recourse to negotiation, 149. she is startled at their demands, and gets time to answer them, 150. violates another treaty, 151. loses Perth, and forced to abandon Stirling and Edinburgh, she retires with precipitation to Dunbar, ibid. marches to attack the reformers at Edinburgh, 154. gains time by her artifice, 155. makes another treaty with them, ibid. her artifices to undermine the prior of St. Andrew's, 161. the absurdity of the scheme, ibid. gets a reinforcement of French troops, who fortify Leith, 162. she disregards a remonstrance of the reformers, 163. is influenced by French counsellors, and persuaded to violent measures, 164. retires to Leith, on the approach of the reformers' army, 165. her prudent and artful conduct there, ibid. her haughty answer to a fresh remonstrance from them, 166. is, by a convention of them, deprived of her office of regent, 168. the foundation of this sentence, ibid. foments differences among them, 171. is deserted by her principal secretary, Maitland of Lethington, 175. sends French troops against the reformers, 180. retires into the castle of Edinburgh on the approach of the English, 184. her death and character, 186. repented of her violent measures, 187. listened to the instructions of a reformed preacher, ibid.

Mary, queen of England, her persecuting reign, i. 113. her death, 135.

——, queen of Scots, born, i. 77. a proposal to marry her to Edward the sixth, 79. she is demanded by Henry the eighth, 80. her marriage to the dauphin of France proposed, 102. a treaty for that purpose concluded, 103. she is sent to be educated in France, ibid. the fatal consequence of this, 104. is imposed on by the artifices of the French in the treaty of marriage, 129. her marriage celebrated with great pomp, 130. they take the title of king and queen of England, 139. she makes concessions to the congregation, 189. declares queen Elizabeth's right to the crown of England, 190. she acquires an entire ascendant over her husband, 199. she is overwhelmed with affliction on his death, and retires to Rheims, 200. she is invited by the convention to return to Scotland, 205. an emissary from the catholics in Scotland proposed violent measures to her, ibid. she is determined to moderation by the French and the prior of St. Andrew's, 206. is prevailed on to prepare for her return to Scotland, 207. the origin of the discord between her and queen Elizabeth,

208. her pretensions to the crown of England, 208, 209. is envied on account of her beauty, 212. demands a safe-conduct from queen Elizabeth, which is refused, 213. leaves France with great reluctance, 214. lands at Leith, 215. is much affected by the change of her situation, ibid. several disadvantages attending her accession, ibid. 216. some circumstances to her advantage, 216, 217. her accomplishments of body and mind, 217. the servants of her chapel insulted, ibid. procures the free exercise of her religion, 218. issues a proclamation in favour of the protestants, ibid. 219. employs them solely in the administration, 219. attempts to gain queen Elizabeth's favour, ibid. makes a concession to her, 220. which is rejected, 221. she makes her public entry into Edinburgh, ibid. an insult offered to her religion on that occasion, ibid. discourages the attempts of the papists to gain her favour, 223. her aversion to the family of Hamilton, 223, 224. makes a progress into the north, 233. her ministers narrowly escape assassination, 234. is refused access to the castle of Inverness, when relieved by the Monros and other clans, 235. her forces defeat Huntly's rebellion, 236. she desires an interview with queen Elizabeth, 238. negotiations concerning her marriage, 239. is solicited by different princes, 240. her deliberations concerning it, 241. is forced to bear the authoritative behaviour of queen Elizabeth, 243. to please her subjects determines against a foreign alliance, 244. determines not to ratify the treaty of Edinburgh, ibid. farther negotiations for her marriage, 247. discovers the views of Catherine of Medicis, ibid. 248. lord Robert Dudley recommended to her as a husband by queen Elizabeth, 248. she is highly offended at this, 249. dissembles with queen Elizabeth, 250. entertains thoughts of marrying lord Darnly, 251. she recalls Lennox, 252. is affronted at a letter of queen Elizabeth's, 253. her prejudice against the reformed, and zeal for the catholic religion, 255. is taken with Darnly at first sight, 257. is greatly moved at queen Elizabeth's insulting craftiness, ibid. 258. negotiates with the court of Rome for a dispensation to marry Darnly, 258. and the consent of the court of France, ibid. imposes on Randolph, but applies to queen Elizabeth for consent to her marriage, 261. which she affects to refuse, ibid. in resentment she proposes to send an angry message to Elizabeth, which Maitland prevents, 263. justifies her conduct to the English ambassador, 264. endeavours to get Murray's consent, ibid. courts the pope's protection, and receives a subsidy from him, 265. her great address in gaining the consent of her subjects, 267. prevents a plot against Darnly, 268. summons her vassals to take arms against Murray, 270. and him to appear before her, ibid. her marriage with Darnly celebrated, 271. she confers the title of king of Scots upon him, ibid. this step censured, 272. her resentment against the malecontents, ibid. she marches against them, 273. rejects the intercession of queen Elizabeth in their behalf, ibid. continues her march against the rebels, 274. her conduct and courage on that occasion, ibid. drives them out of Scotland, ibid. her farther resentment against them, 276. has recourse to several devices to raise money, ibid. her prosperity promotes her religion, 278. her deliberations concerning the exiled lords, 279. determines to treat them with lenity, 280. is diverted from this by her religion and French influence, 281. this the source of her after misfortunes, 283. her intention to restore popery, ibid. is disgusted with Darnly's insolent behaviour, 284, 285. her familiarity with Rizio offends the king, 285. vindicated from any criminal correspondence with Rizio, 287. uses her utmost endeavours to prevent his murder, 290. she is confined by the conspirators, ibid. she gains the king, and escapes from them, 291. is reconciled to the exiled nobles, ibid. her hatred to Darnly increases, 297. and favour for Bothwell commences, 298. extinguishes some domestic feuds among the nobles, 300. is delivered of her son, James the sixth, in the castle of Edinburgh, ibid. invites several foreign princes to his baptism, 301. continues to treat Darnly with neglect, ibid. her attachment to Bothwell increases, ibid. prevents Darnly's intended flight, 304. visits the borders, ibid. an instance of her regard for Bothwell on that occasion, 305. how she rivalled queen Elizabeth, 306. her right of succession favoured by the English parliament, ibid. she endeavours to avail herself of that opportunity, 308. she takes an extraordinary step in favour of

popery, 309. receives a present from the pope, but stops his nuncio at Paris, 310. endeavours to procure a better subsistence for the reformed clergy, 311. her aversion to the king excessive, becomes melancholy, ibid. goes to Stirling to celebrate her son's baptism, 312. is greatly offended at the king's behaviour on that occasion, 313. restores the popish ecclesiastical jurisdiction, 316. her neglect of the king during his sickness, 318. the breach between them becomes irreparable, ibid. she visits him at Glasgow, 319. the motives of her dissimulation on that occasion, 319, 320. prevails on him to come to Edinburgh, 321. her suspicious behaviour to him there, 321, 322. issues a proclamation for discovering his murderers, 323. is supposed to have been accessory to it, ibid. is charged with it abroad as well as at home, 324. goes to visit her son at Stirling, 337. is met on her return by Bothwell, who seizes and carries her to Dunbar, ibid. this supposed with her consent, 338. is conducted to Edinburgh, and married to Bothwell, 340. sends an apology to the courts of France and England, 341. her conduct causes a general indignation against her abroad, 342. is alarmed at a combination of the nobles against her, 343. she publishes a manifesto to vindicate her conduct, 344. is conducted to the castle of Borthwick, 345. marches with Bothwell's forces against the confederate lords, ibid. an attempt at an accommodation proves vain, 346. is forced to surrender to the confederates, 348. is insulted by the soldiers and mob, ibid. is carried to Edinburgh, where many abuses are offered her, ibid. 349. is sent a prisoner to Lochlevin castle, 351. queen Elizabeth interposes in her behalf, 352, 353. the English ambassador is refused access to her, 355. various proposals among the confederates concerning her, ibid. they oblige her to resign the government, 356. different reasonings on this measure, 358—360. is much moved with the freedom of the carl of Murray, 361. her party among the nobles becomes dispirited, 363. her resignation of the crown accepted by the parliament, and her imprisonment declared lawful, 365. her letters to Bothwell read, and she declared accessory to the king's murder, ibid. escapes from Lochlevin, 366. arrives at Hamilton, 367. is attended by many nobles and a numerous army, ibid. an association signed in her defence, ibid. her imprudence in hazarding a battle, 370. her army defeated by the confederates, ibid. her precipitate flight into Galloway, 371. rashly determines to retire to England, ibid. goes thither against the advice of her attendants, 373. arrives at Carlisle, ibid. writes to queen Elizabeth, imploring her good offices, ibid. receives letters of condolence from her, and demands admittance into her presence, 376. this refused, and why, ibid. offers to submit her cause to queen Elizabeth, ibid. is much deceived in her expectation from this, 379. and offended on discovering the artifices of queen Elizabeth, ibid. earnestly solicits to be admitted into her presence, 380. she is carried to Bolton castle, 382. chagrined at finding herself a prisoner, ibid. agrees to an inquiry into her conduct, ibid. her dissimulation with regard to religion, 383. commissioners appointed to appear in her name, 385. her chief view in this affair, 386. consents to moving the conference to Westminster, 392. she is carried to Tuthbury in Staffordshire, 393. is much offended at the regard shown the regent, and recalls her consent to the conference, ibid. 394. the accusations against her produced by the regent, 395. is accused likewise by the earl of Lennox, 396. her commissioners refuse to answer, and demand a personal interview, ibid. they protest against future proceedings, ibid. a suspicious circumstance against her, 397. her commissioners withdraw from the meeting, 398. her resolute answer to a harsh proposal of queen Elizabeth, 399. avoids any farther progress in the inquiry, 400. is enraged at the proceedings, and proposes desperate measures, 401. spreads chimerical conjectures with that view, ibid. proposes a divorce from Bothwell, 404. is influenced by the duke of Norfolk's schemes, 405. exchanges many letters and love-tokens with him, ibid. consents to proposals from the English nobles, 406, 407. their views in this transaction, 406, 408. a rebellion by her adherents against queen Elizabeth, 411. is removed to Coventry, 413. queen Elizabeth thinks of delivering her up to the regent, 414. this project how disappointed, 415. accession of

several to her party after the murder of the regent, ii. 3, 4. they endeavour to foment a war with England, 4. her authority proclaimed at Linlithgow, ibid. her parties defeated by the new regent, 7. she answers proposals by queen Elizabeth, 9. attempts in vain to get foreign assistance, ibid. appoints commissioners to frame a treaty for her liberation, 10. this proving fruitless, she is more strictly confined, 11. the invalidity of her resignation declared in a parliament held by her adherents, 15. act of parliament in England to curb her and her party, 19, 20. she looks for protection from the king of Spain, 21. is denied the privilege of an ambassador at the court of England, 24. is more closely confined and watched, ibid. proceedings against her in England, 27. her interest neglected by the French, 28. is hurt by the massacre at Paris, 29. her adherents divided into two factions, 37. one of them joins with Morton the regent, 39. review of the characters of her adherents and opponents, 41, 42. her forlorn situation, 42. is carried to Buxton wells, ibid. loses several of her friends by death, 44, 45. sends a letter and presents to her son, 57. her messenger, why dismissed without seeing him, ibid. her uneasiness at his confinement by the Ruthven conspirators, 78. complains to queen Elizabeth of her hard usage, and begs her intercession for the king her son, 79. Throkmorton's conspiracy in her favour, 90, 92. a fruitless negotiation with queen Elizabeth, 94. is alarmed at an association in defence of queen Elizabeth, 96. is committed to more severe keepers, 97. betrayed by lord Gray, the Scotch ambassador, 98. a statute for the preservation of queen Elizabeth proves fatal to her, 102. is more rigorously treated, 103. her complaints to queen Elizabeth disregarded, ibid. is by the French ambassador's interest removed to Tuthbury, 104. is undutifully treated by the king her son, ibid. her passionate complaint to the French ambassador on that occasion, ibid. threatens to disinherit him, ibid. several discoveries alleged against her, 119. she is guarded with unusual vigilance, 120. her domestics and papers are seized, ibid. she is conveyed to Fotheringay castle, 121. deliberation concerning the method of proceeding against her, ibid. is suspicious of poison or private murder, 122. vindicates herself to the duke of Guise, ibid. the commissioners for trying her arrive at Fotheringay castle, 123. her spirited speech when refusing to plead, ibid. is at length prevailed on, 124. she protests against the authority of the court, ibid. the accusation against her, 125. her defence, ibid. 126. her sentence, 127. irregularities in her trial, ibid. 128. her sentence is confirmed by parliament, 128. who demand the execution of it, 129. France interposes feebly in her behalf, 130, 131. the sentence against her published, 132. she is treated with the utmost rigour, 133. her last request to queen Elizabeth, ibid. refuses the assistance of a protestant bishop or dean, 134. artifices used to inflame the people against her, 135. her behaviour at her death, 137, 140. sentiments of historians concerning her, 141. her character, ibid. her person described, 142, 143. is buried first at Peterborough, and afterwards in Westminster abbey, 143. a dissertation on the genuineness of her letters to Bothwell, 247. letters from her, Appendix, 364, 370, 411. objections against her by Walsingham, 407. what course to be taken with her, ibid. her will, 412.

Maxwell, lord, arrives from Spain, and prepares forces to join the Spaniards, ii. 154. his followers dispersed, he is taken prisoner, ibid.

Melvil is sent by the French king to observe the motions of the queen regent and her adversaries, i. 157. sent to make up a difference between Elizabeth and Mary, 253. brings about an appearance of friendship between them, ibid. is sent to inform queen Elizabeth of the birth of king James the sixth, 300. puts a letter into the queen's hand against her marriage with Bothwell, 336. is forced to fly from court, 337. advises king James to moderate measures upon his escape from the Ruthven conspirators, ii. 81.

———, Mr. Andrew, a clergyman, his character, ii. 45. zealously opposes episcopacy, ibid. declines the civil jurisdiction in ecclesiastical matters, 86. is forced to fly into England to avoid persecution, ibid.

Melville, Mr. James, minister of Anstruther, his encomium on the eloquence of Knox the reformer, ii. 34, 35.

Melville, sir Robert, sent by king James to intercede with queen Elizabeth for queen Mary while under sentence, ii. 134. executes his commission with fidelity and zeal, ibid. memorial of his to the king, Appendix, 429.

———, master of the household to queen Mary, takes his last farewell of her, ii. 139. her parting speech to him, ibid.

Mildmay, sir Walter, sent by queen Elizabeth with proposals to queen Mary, ii. 8.

Monluc, bishop of Valence, employed by the French to conclude a peace with England and Scotland, i. 188. terms agreed to by him, 189.

Montgomery, appointed archbishop of Glasgow, ii. 71. is refused, and excommunicated by the general assembly for his immoral life, ibid.

Montmorency, constable of France, endeavours to prevent the dauphin's marriage with queen Mary, i. 128. his prudent advice to Henry the second, ibid. makes a slender appearance in favour of queen Mary, ii. 28.

Morton, earl of, his irresolute conduct as to the reformation, i. 174. accompanies queen Mary in a progress to the north, 233. instigates Darnly to be avenged of Rizio, 287. takes the direction of that enterprise, 289. is admitted into the queen's presence, who promises him a pardon, 291. is forced to fly into England, 292. obtains his pardon on Bothwell's intercession, 314. seizes a casket with letters from queen Mary to Bothwell, 352. he is, by queen Elizabeth's interposition, in favour with the king's party after the murder of the regent, ii. 3. appointed one of the commissioners to treat with the queen's party, 10. his demands frustrate the meeting, 11. is entirely influenced by the court of England, 17. commands the king's forces at Leith, 25. has several skirmishes with the queen's forces, ibid. closely besieges Edinburgh, and commits great cruelties, ibid. a suspension procured by the English and French ambassadors, 26. a coalition of parties prevented by him, 31. he is chosen regent, 32. his mercenary ingratitude to the earl of Northumberland, ibid. obtains the temporalities of the archbishopric of St. Andrew's, 33. labours to procure a peace between the two parties, 36. attempts in vain to gain Maitland and Kirkaldy, 37. makes a treaty with Chatelherault and Huntley, 38. gets possession of the castle of Edinburgh, 40. his severity to Kirkaldy and his brother, 42. his administration becomes odious, 43. his various methods of gratifying his avarice, 44. connives at the dispute of the clergy, 46. he irritates the nobles, ibid. Argyll and Athol refuse to answer his summons, ibid. makes a vain attempt against lord Claud Hamilton, 47. discovers the designs of the nobles against him, and proposes to resign his office, 49. his resignation accepted by the king gives universal joy, 50. obtains an approbation of his conduct, and a pardon in ample form, ibid. continues to watch the motions of his adversaries, ibid. is forced to surrender the castle of Edinburgh, ibid. resumes his authority, 52. gains the castle of Stirling, and a seat in the privy council, ibid. 53. procures a meeting of the parliament at Stirling, 53. his security ratified in it, ibid. forces are raised for and against him, 54. he is reconciled to his adversaries by the intercession of queen Elizabeth, ibid. is suspected of foul play at an entertainment at his own house, 55. his illegal proceedings against the family of Hamilton, ibid. 56. the king's new favourites undermine him, 59. he endeavours to prevent them, 60. queen Elizabeth interposes in his favour, 61. is charged with being accessory to the late king's death, 62. he is confined in different prisons, 63. discourages an attempt to rescue him, ibid. all his friends are turned out of office, 66. he is tried and condemned, ibid. 67. his resolute calm behaviour, and confession, before and at his death, ibid. 68. his body is treated with ignominy, 68.

Murray, earl of, late prior of St. Andrew's, goes with a handful of men against Huntly, i. 236. by his great skill and courage he gains a complete victory, ibid. 237. his grant is confirmed by parliament, 244. cabals against him by Lennox and Darnly, 259. his aversion to Darnly and other court favourites, 264. calls Bothwell to stand a trial, ibid. his reasons for opposing Darnly's marriage with the queen, 265. he and his associates are made the dupes of queen Elizabeth's policy, 267. concerts to seize Darnly, and carry him to England, 268. this prevented by the queen, ibid. avoids assassination in-

tended him by Darnly, ibid. evidences of these plots, ibid. 270. the queen's vassals are called to arms against him, 270. he is summoned to appear before her, ibid. is again summoned, and outlawed on his non-appearance, 272. is forced to fly with his associates into Argyleshire, 273. they are interceded for by queen Elizabeth, ibid. are pursued by the queen, and obliged to fly into England, 274. they meet with unexpected ill-treatment from queen Elizabeth, 275. courts Rizio to intercede with the queen for him, 280. many of his old friends solicit for him, ibid. the queen's favour how intercepted, 281, 282. a parliament is called to attaint them, 283, 284. this how prevented, 284. he and his associates arrive at Edinburgh, 290. are graciously received by the king and queen, ibid. are alarmed at the queen's escape, but soon reconciled to her, 292. he is appointed regent during the minority of king James the sixth, 358. his harsh behaviour in a visit to the queen, 361, 362. the success of his wise administration, 363. procures many of the queen's party to join him, ibid. gets the places of strength into his hands, 364. his office of regent confirmed by parliament, 365. his severe and haughty behaviour disgusts several, 366. his adherents in great consternation at the queen's escape from Lochlevin, 368. his prudent conduct on that occasion, ibid. defeats the queen's army at Langside, 370. he improves this victory, 381. his lenity to the prisoners, ibid. he calls a parliament, 383. is called upon by queen Elizabeth to vindicate his conduct, 384. he arrives at York, 385. his views in this affair, 386. complaints of the queen's commissioners against him, 387. he behaves with great reserve on this occasion, 388. this part of his conduct accounted for, ibid. intrigues with the duke of Norfolk, ibid. 390. his demands from the English commissioners, 390. answers to the complaints of the queen's commissioners without touching on the murder, 391, 392. agrees to have the conference moved to Westminster, 392. is affectionately received by queen Elizabeth, which offends queen Mary, 393. is prevailed on by Elizabeth to accuse Mary of the murder, 395. produces his evidences, 398. is dismissed by queen Elizabeth without approving or condemning his conduct, 400. his party is secretly supported by her, 401. returns to Scotland, and by his vigorous conduct breaks the queen's party, 402. he receives proposals both from queen Elizabeth and queen Mary, 404. he disappoints Norfolk, 409. an account of his murder, 415, 416. his character, 416, 417. his death much lamented by queen Elizabeth and the king's party, ii. 1. much anarchy the consequence of it, ibid. part of a letter of his, App. 378. his heir murdered by the earl of Huntly, ii. 166.

Naué, secretary to queen Mary, is sent by her with a letter and presents to her son, ii. 57. why dismissed without seeing him, ibid. is sent with offers of humble resignation to queen Elizabeth, 96. is seized and sent prisoner to London, 121. is produced an evidence against her, 128.

Nevil discovers and prevents Parry's design to murder queen Elizabeth, ii. 102.

Nobles, their extensive power, 18, 19. become turbulent and formidable, 21. their power greater in Scotland than in any other kingdom, ibid. the causes of this, 22. their power of long duration, 32. it becomes intolerable to the princes, ibid. they are humbled in France and England, ibid. but continue vigorous in Scotland, 33. discords among them encouraged, ibid. their jurisdiction circumscribed, 35. are greatly mortified by king James the fifth, 54, 57. are disappointed in a scheme to show their resentment, 59. refuse to attend the king into England, 60. they seize the revenues of the church, 196. refuse to part with them to the reformed clergy, ibid. dissensions among them, 229. a convention of them approve the queen's marriage to Darnly, 266. several of them recommend Bothwell as a husband to her, 334. a strange combination of them on this occasion, 335. a body of them associate against her and Bothwell, 343. their different views in this, ibid. a party of them favours the queen, 352. they are much dispirited by the good conduct of Murray, 363. they are much provoked by Morton the regent, ii. 47. think of redress from the king, ibid. infuse suspicion of the regent's power into him, 48. a meeting of them by him, 49. a party of them conspire against the king's favourites, 73, 74. they seize his person and drive them off, 75. their neglect of and in-

gratitude to the clergy, 112. the king attempts to reconcile their feuds and unite them, 148. See Lords.

Norfolk, duke of, appointed a commissioner to hear the cause between queen Mary and her accusers, i. 385. forms a scheme of mounting the throne of Scotland, 388. intrigues with the regent and Maitland with that view, 389. he represents the demands of the Scots to queen Elizabeth, 391. his farther negotiations with respect to queen Mary, 404, 405. endeavours to conceal his design from queen Elizabeth, 405. is imposed on by the artifice of the regent, 406. gets the consent of many of the English nobles, ibid. his project approved at foreign courts, 408. is discovered and defeated by queen Elizabeth, 409, 410. flies to Norfolk, 410. he surrenders on a second summons, and is sent prisoner to the tower, ibid. is set at liberty, and continues his intrigues with queen Mary, ii. 21. is betrayed by his secretary, 23. is seized with his dependants, and accused by them, ibid. is executed, ibid.

Northumberland, earl of, attempts a rebellion in favour of queen Mary, i. 411. his scheme defeated, 412. he is seized by the regent, 413. is delivered up to the governor of Berwick, and put to death at York, ii. 32.

Nottingham, countess of, some account of the transactions concerning the earl of Essex's ring, ii. 229.

Octavians, their institution and extensive powers, ii. 181. they undermine the king's ministers, ibid. become odious, and a combination is formed against them, ibid. being split into factions, and envied by the courtiers, they resign their commission, 194.

Ogilvie, lord, has a scuffle with sir John Gordon in the streets of Edinburgh, i. 233.

Oliphant, master of, joins the Ruthven conspirators, ii. 74.

Orange, prince of, sends an agent into Scotland, ii. 65. his instructions, ibid. is assassinated, 106.

D'Oysel, commander of the French troops in Scotland, endeavours to promote a war with England, i. 126. his design frustrated, 127. the number of troops under his command, 147. instigates the queen regent to violent measures against the reformers, 148. is sent by queen Mary to demand a safe-conduct from queen Elizabeth, during her voyage to Scotland, 213.

Paisley, abbot of, arrives in Scotland, i. 84. creates a suspicion of the earl of Lennox in the earl of Arran regent, ibid. is made archbishop of St. Andrew's, 96.

Paris, the massacre of, ii. 28. rejoicings of the popish party on account of it, 29. the consternation and horrour of the protestants, ibid.

Parliament, the nature of their original constitution, i. 64, 65. particularly that of Scotland, 66, 67. a parliament held on an extraordinary occasion, 192. a difficulty started and answered, 193. their proceedings with regard to religion, 194, 195. condemn the popish and approve the reformed doctrines, 195. several other regulations of the same tendency, 196. their validity called in question, 197. exceed their powers, ibid. their proceedings laid before the king and queen, 198. a parliament in favour of Bothwell, 330. pass an act in favour of the reformation, 331. confirm the proceedings of the confederates, 364, 365. parliaments held both by the king's and queen's parties, ii. 15. another of the queen's adherents, ibid. attaint upwards of two hundred of their opponents, 17. a parliament at Stirling by the king's party, ibid. surprised by the queen's adherents, 17, 18. another at Stirling, 53. one at Edinburgh, 59. and on the king's being of age, 148. several new laws made there, 149, 152. the lesser barons admitted into parliament, 150.

Parry, doctor, undertakes to murder queen Elizabeth, ii. 101. is encouraged by and gets absolution from the pope, ibid. his design how prevented, 102. is executed, ibid.

Parsons, a jesuit, publishes a book in favour of the infanta of Spain's right of succession to the crown of England, ii. 179.

Pasquinades and pictures, accusing Bothwell of Darnly's murder, i. 329. a law made against them, 330.

Patten, William, his account of the Scottish ancient military discipline, i. 100. Note.

Paulet, sir Amias, is appointed one of queen Mary's keepers, ii. 97. his rigid severity to her, 103. discovers her foreign correspondence, 119. his rude treatment of her, 133. refuses to be concerned in privately assassinating her, 136. a letter from him, Appendix, ii. 418.

Pellevé, bishop of Amiens, is appointed to support the popish interest in Scotland, i. 164. drives the queen regent to violent measures against the protestants, ibid.

Perth, an insurrection of the reformers there against the papists, i. 144. its inhabitants are severely treated by the queen regent, 147. a French garrison placed there, ibid. is besieged and taken by the protestants, 151. a great tumult there on account of Gowrie's conspiracy, ii. 207.

Philip the second, of Spain, married to Mary queen of England, i. 113. reinforces his army with her troops, 125. his great power, ii. 106. joins in the holy league, ibid. resolves to invade and conquer England, 152. his preparations for it dilatory, 156. his design frustrated, ibid. meditates an invasion of England through Scotland, 157. intrigues with some Scottish lords with that view, 158. remits money to them, ibid.

Pinkey, the battle of, i. 98, 99.

Pius the fifth, pope, excommunicates queen Elizabeth, deprives her of her kingdom, and absolves her subjects, ii. 6.

Polly, one of Babington's conspirators against queen Elizabeth, ii. 116. discovers the plot, 117.

Poltrot, a frantic zealot, assassinates the duke of Guise at the siege of Orleans, i. 241.

Pont, Mr. Robert, a minister, and one of the lords of session, protests against laws oppressive to the church, ii. 89.

Popery, where most flourishing, i. 115. what kind prevailed in Scotland, 116. was partly grafted on heathenism, 152. is much hurt by the congregation, 194. their doctrines condemned by parliament, ibid. the jurisdiction of their courts abolished, 195. their worship prohibited, ibid. attempt in vain to gain queen Mary's favour, 223. the great influence of popery, 282.

Power, the balance of, the great consequence of preserving it, i. 71.

Presbyterian church government established in Scotland, i. 201. is confirmed by king James the sixth, ii. 167, 168.

Protestants, in France, violently persecuted, i. 159. are moderate on queen Mary's arrival from France, 218. are employed by her in the administration, 219. a scheme for suppressing them all over Europe, 281. a league formed for that purpose, ii. 106. See Reformation.

Ramsay, a favourite of king James the third, narrowly escapes being hanged with his associates, i. 48. is appointed captain of the king's guard, and created earl of Bothwell, 49. See Bothwell.

Randan, sieur de, employed by the French to negotiate a peace with England and Scotland, i. 188. terms agreed on by him, 189.

Randolph, sent to encourage the congregation, i. 172. congratulates queen Mary's arrival in Scotland, 220. urges the ratification of the treaty of Edinburgh, ibid. is imposed on by queen Mary in the affair of her marriage with Darnly, 261. sent into Scotland on the murder of Murray, ii. 2. interposes for Morton, 63, 64. flies from Scotland in the night, 66. is sent again there, and concludes a treaty with England, 113. several of his letters, Appendix, ii. 315, 319, 320, 331, 337, 338, 341, 342.

Ratcliff. See Sussex.

Reformation, its progress in Scotland, i. 107. account of its first preachers, ibid. is much influenced by England, 108. two remarkable instruments of promoting it, 109. it makes great progress, 113. causes contributing to promote it, 114, 115. its advantages over popery, 115. is favoured by the queen regent, 127. an instance of regard for it in Scotland, 128. the whole party not chargeable with cardinal Beatoun's murder, 135. Note. a priest burnt for embracing it, 136. the reformers violently persecuted by the archbishop of St. Andrew's, ibid. are protected by the queen regent, ibid. apply in vain to the popish clergy, 137. a persecution against them pushed on by the French interest, 140, 142. the preachers summoned before the regent, 143. they are de-

ceived, and declared outlaws by her, 144. a riotous insurrection of them at Perth against the papists, ibid. prepare to defend themselves against the queen, 145. conclude a treaty with her, which she presently breaks, 146, 147. they take arms against the queen, 148. insist on redressing civil as well as religious grievances, 149. the influence of the reformation on liberty, ibid. they besiege and take Perth, 151. they seize Stirling and Ediuburgh, ibid. commit great violences on churches and monasteries, ibid. their conduct how accounted for, 152. an instance of their moderation, 153. fix their residence at Edinburgh, ibid. the queen prepares to attack them, 154. make another treaty with her, 155. are forced to abandon Edinburgh, etc. but allowed the exercise of their religion, ibid. demand the expulsion of the French army, ibid. are aware of their danger from France, 158, 159. their party strengthened, 159. remonstrate against the French fortifying Leith, 163. take arms in their own defence, 164. remonstrate again to the regent, 166. are highly incensed at her imperious answer, ibid. by advice of a convention deprive the queen dowager of the office of regent, ibid. the foundations of this conduct, ibid. examination of the different principles on which it was conducted in different countries, 202. the growth of it encouraged by parliament, 365. See Congregation.

Regalities, the ample jurisdiction of, i. 19.

Repledging, the privilege of, to whom belonging, i. 19.

Revenge, encouraged both by custom and law, i. 34.

Revenues of the church, proceedings of parliament concerning them, i. 196.

Ridolphi, an agent for the pope at London, negotiates for queen Mary, ii. 21. his arguments with the duke of Norfolk, 22.

Rizio, David, some account of him and his rise, i. 260. Darnly's connexion with him, 261. his good offices courted by Murray, 280. his great interest and familiarity with the queen, 285. incurs the hatred of Darnly, ibid. and of the friends of the exiled lords, 286. several concurring causes of this, ibid. a combination formed to murder him, 287. he is murdered in the queen's palace, 289, 290.

Romans invade Britain, i. 4. give the earliest accounts of the Scots, ibid.

Ross, bishop of, zealously promotes queen Mary's interest at London, ii. 22. is confined to the tower, and threatened with capital punishment, 23. is set at liberty, and banished the kingdom, ibid. some letters of his, Appendix, ii. 372, 388.

Rubay, a foreigner, made keeper of the great seal of Scotland, i. 124.

Ruthven, lord, the murder of Rizio proposed to him by Darnly, i. 287. heads the conspirators against him, 289. his part in that transaction, ibid. is admitted into the queen's presence, who promises him a pardon, 291. did not repent of it at his death, 296.

———-, created earl of Gowrie, he and his associates seize the king, and remonstrate against his favourites, ii. 74. drive them from him, 75. their conduct approved in an assembly of the states, 76. the king escapes from them, 80. by Arran's influence violent measures are determined against them, 82. queen Elizabeth intercedes in their behalf, 83. are declared guilty of high treason, 84. take refuge in foreign countries, ibid. are harshly treated by queen Elizabeth, 99. a reconciliation with her brought about, 109. return to Scotland, and are reconciled to the king, 110. their moderation on being restored to their estates and honours, 111. their neglect of their friends the clergy, 112.

Ruthven, that name abolished by parliament, ii. 217. See Gowrie.

Ruthven raid, what, ii. 75.

Sadler, sir Ralph, his representations of the resentment of the Scots for the seizure of their ships by Henry the eighth, i. 82, 83. appointed a commissioner to hear the cause between queen Mary and her accusers, 385.

Sandilands, of Calder, lord St. John, sent to lay the proceedings of the congregation parliament before the king and queen in France, i. 198. is coldly received, and dismissed without a ratification by them, ibid.

Savage, a Spanish officer, his desperate resolution to kill queen Elizabeth, ii. 115.

Scotland, its ancient history fabulous, i. 1. the origin of the Scots, ibid. their history why remarkably obscure, 5. some account of the writers of it, 6. is

divided into four periods, ibid. a review of the third æra, 7. some account of the controversy concerning its independence, 7, 10. this the cause of great animosities and much bloodshed, 12. the state of Scotland when Bruce began his reign, 13. it begins to have an influence on the fate of distant nations, 74. state of Scotland at the birth of queen Mary, 77. is invaded by the English, and several places burnt and plundered, 88. much alienated from the English, 89. a peace concluded between England, France, and Scotland, 91. computation of damages done by the English in Scotland, ibid. a new breach with England, 97. is invaded by a great English army, 98. the Scots are defeated with great slaughter, 98, 99. their manner of fighting at that time, 100. a marriage agreed of their young queen and the dauphin of France, 103. they soon repent this step, 105. a fray at Edinburgh occasions their utter aversion to the French, 106. this inflamed by another incident, 124. they decline a war with England, 126. send representatives to witness queen Mary's marriage, 128. their care as to the marriage articles, 129. they refuse consent to the demands of the French, 131. four of their deputies suspected to be poisoned, ibid. which much increases the aversion, 132. grant the crown matrimonial to the dauphin, ibid. they apply to the English for assistance against the French, 172. an English fleet arrives for that purpose, 181. conclude a peace with England, and receive an English army, 182, 183. all parties agree in detesting the French, 186. a treaty between England, France, and Scotland, 189. both English and French armies leave Scotland, 192. they rejoice much at the death of the young king of France, 201. send to invite the queen to Scotland, 205. reject proposals of an ambassador from France, 206. state of Scotland on queen Mary's return from France, 215, 216. great zeal of the nation against popery, 218. the Scots brought into contempt by queen Mary's conduct, 343. in a miserable condition after the murder of Murray the regent, ii. 16. state of factions at that time in it, ibid. 17. a league concluded between Scotland and England, 113. a view of the revolutions of Scotland since the accession of James the sixth, 235, 240. and of the church, 241, 242. of the genius and taste as to learning, 243, 246.

Scott of Buccleugh, enters and ravages England after the murder of Murray the regent, ii. 1. the design of this, 4.

Scrope, lord, sent to condole with and watch queen Mary on her arrival in England, i. 376. she is committed to his custody at Bolton castle, 382. why his fidelity is distrusted, and the queen removed, 393.

Session, lords and court of, by whom first appointed, i. 36. the president and one half of their number of the clergy, 118.

Seton, lord, assists the queen regent in defending Leith, i. 174.

Shrewsbury, earl of, the charge of queen Mary's person committed to him, i. 393. why removed from that office, ii. 97. is appointed to see the sentence against her executed, 137. letter from him and the earl of Kent, concerning her death, Appendix, ii. 430.

Sinclair, bishop of Ross, a zealous papist, concurs, as president of the session, in acquitting Knox of a charge of treason, i. 247.

Somerset, duke of, enters Scotland with a powerful army, i. 98. is reduced to a very critical situation, ibid. defeats the Scots with great slaughter, 99. this victory why of little advantage, 100. cabals against him at the court of England force him to return, 101. is ruined by his enemies, 104.

Spain, great warlike preparations there, ii. 152, 153. See Armada. the infanta of, set up as candidate for the crown of England, 179.

Spanish ambassadors ordered to leave England for intriguing in favour of queen Mary, ii. 24, 92.

Sprot, his discoveries concerning Gowrie's conspiracy, ii. 208, 209. is executed, 210.

Stewart, James, prior of St. Andrew's, is appointed to carry the crown matrimonial to the dauphin of France, i. 134. See St. Andrew's.

———, Esme, lord Aubigné, his arrival in Scotland, ii. 58. See Aubigny.

———, capt. James, his character, ii. 59. becomes a favourite of king James, ibid. accuses Morton of the murder of the late king, 62. is created earl of Arran. See Arran.

Stewart, colonel William, commander of the king's guard, contributes to his escape from the Ruthven conspirators, ii. 81. seizes the earl of Gowrie, 87.
———, Francis, created earl of Bothwell, ii. 158. joins in a treasonable correspondence with the popish lords, ibid. See Bothwell.
———, all of that name combine in opposing the chancellor, ii. 172.
Stirling, seized by the reformers, i. 151. a parliament there by the king's party, ii. 17. is surprised by the queen's adherents, and a great fray ensues, ibid. 18.
Strozzi, Leon, commands a body of French sent into Scotland, i. 96. reduces and demolishes the castle of St. Andrew's, ibid. See France.
Succession, a remarkable statute concerning it, i. 97.
Superintendents proposed in the church of Scotland, i. 203. their business, ibid.
Sussex, earl of, one of the commissioners to hear the cause between queen Mary and her accusers, i. 385. assembles a powerful army on the borders, ii. 3. he and Scrope enter and ravage Scotland, 4.
Tax upon land first proposed in Scotland, i. 125.
Throkmorton, sir Nicholas, sent ambassador extraordinary from queen Elizabeth to oppose queen Mary's marriage with Darnly, i. 263. his intercession for the exiled lords is much regarded, 280. his enmity to Cecil, ibid. is sent to negotiate queen Mary's liberation, 353. is refused access to her by the confederates, 355. some letters of his, Appendix, ii. 348, 350, 355, 358, 360, 362, 363.
————, Francis, is charged with a conspiracy against queen Elizabeth, ii. 90. at first he denies, but afterwards confesses it, ibid. reflections on his confession, 91. is executed, 92.
Tichbourne designs to assassinate queen Elizabeth, ii. 116.
Treason, persons guilty of it, tried after their death by the law of Scotland, ii. 209, 210.
Vilmort, a foreigner, made comptroller of Scotland, i. 123.
Union of Scotland and England, the advantages of, ii. 240.
Wallace, sir William, bravely asserted the liberty of his country, i. 11, 12.
Walsingham, secretary to queen Elizabeth, sent ambassador to king James the sixth, ii. 83. returns without success, ibid. makes a favourable report to her concerning James, 84. interposes in favour of queen Mary, 96. discovers Babington's conspiracy, 117. why a determined and inveterate enemy to queen Mary, 120. a letter from him, Appendix, 395.
Warwick, earl of, succeeds Somerset in the government of England, i. 104.
Westminster, the conferences concerning queen Mary there, i. 392.
Westmorland, earl of, attempts a rebellion in favour of queen Mary, i. 411. his schemes discovered and defeated, 413. he escapes to the Netherlands, ibid.
Withorn, the prior of, imprisoned for celebrating mass, i. 244.
Willox, a minister, declares for resistance and deprivation of tyrannical rulers, i. 167. is called to attend the queen dowager on her death-bed, 187.
Wishart, George, his illegal execution revenged, i. 92, 93.
Witchcraft, vigorously prosecuted by king James the sixth in Scotland, ii. 165.
Wotton, dean of Canterbury, employed to negotiate a peace with France, i. 188.
———, sir Edward, sent by queen Elizabeth into Scotland, ii. 108. his character, ibid. soon gets into high favour with king James, ibid. procures a league between the two kingdoms, ibid. undermines Arran's power, 109, 110. forms a plot on king James, and forced to withdraw without taking leave, 110.
York, the conferences there concerning queen Mary, i. 385.
Zouche, lord, sent ambassador by queen Elizabeth to remonstrate against king James's lenity to the popish lords, ii. 175. his treachery on that occasion, ibid.

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